



HISTORY
AND
GOVERNMENT
OF
KANSAS



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HISTORY AND GOVERNMENT OF KANSAS.

A HISTORY OF KANSAS.

THAT THE FATHERS,

WHO COULD ONLY SUFFER AND HOPE,

MAY NOT BE FORGOTTEN

BY THE CHILDREN,

WHOSE IS THE GLAD FRUITION—A MOST SACRED TRUST—

THESE PAGES HAVE BEEN PREPARED.

A

HISTORY OF KANSAS.

THE STATE.

1. Location.—Take a map of the United States, carefully cut away the margins of the sheet, and then fold the edges together, side to side and top to bottom: on opening it, the creases will be found to cross each other near Fort Riley, one of the Western military posts of our country. This is about sixty miles almost directly west of Topeka, the capital of Kansas. This State, therefore, is at the geographical centre of the Union. Occupying a portion of what is known as the Missouri Basin, its marvelous fertility will always find a market in the more rugged, often even sterile, territories lying on the eastern and southern slopes of the Rocky Mountains. Its location makes it the grand avenue of trade with the Southwest and with Mexico. To it, and to its sister State, Nebraska, the great mining interests of Colorado, New Mexico, and Arizona must always be tributary.

2. Area.—The State is about four hundred miles long and two hundred miles wide, having a land surface of eighty-one thousand seven hundred square miles, or fifty-two million two hundred and eighty-eight thousand acres; that is, it is larger than Maine and Ohio combined, or than all the New England States together, with Delaware and Maryland. The Island of Great Britain (England, Scotland, and Wales) is but one-tenth larger than Kansas; and there is sufficient territory within the limits of the State to make an allotment of over one and a quarter

acres to each man, woman, and child in the British Isles, or in Germany, France, Austria-Hungary or Italy.

Of this great territory the improved lands include more than twenty-two million acres, or less than one-half of the State,—an area greater than that of New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut combined.

3. Climate.—The climate is temperate. Breaking the sod, pulverizing the soil, and planting trees have extended the area of the influence of rain, and moisture is retained and utilized more and more each year. The heat of summer, though sometimes intense, is greatly modified by the dryness of the atmosphere and by the almost constant prairie breezes. Autumn is proverbially pleasant; frosts are long delayed; all crops have ample time to mature; and Indian summer often extends till Christmas. January and February are the winter months, and spring opens early and suddenly. Throughout the year, what is known as the Gulf breeze is as mild and balmy as the air of the tropics.

4. Rivers.—Few prairie States are so well watered. Rivers and creeks cross almost every township. They move slowly, draining the bluffs and hill-sides and enriching the luxuriant bottom-lands. Forming part of the eastern boundary line is the Missouri, navigable for nearly three thousand miles. The Kansas, or Kaw, which enters the Missouri at Kansas City, runs about one hundred and fifty miles through the State, and is the result of the union of the Republican and Smoky Hill Rivers—the former being about four hundred miles in length and draining southern Nebraska. Just south of the Kaw is the Wakarusa, which flows some fifty miles through a rich valley. The Big Blue and the Manhattan have each a course of some hundred and twenty-five miles; which is true of the Marais des Cygnes (*Marā d'seen*)—

which, in Missouri, becomes the Osage. The Neosho flows southward nearly two hundred miles, passing into the Indian Territory, and having been joined, near Emporia, by the Cottonwood, with a course of its own of about a hundred miles. The great Arkansas River has five hundred miles of its length in the southern part of the State. These, with innumerable other and minor streams, form a net-work of watercourses rarely surpassed.

5. Surface.—The surface is that of rolling prairie. There are no mountains, and but few even respectable hills. The generally recognized divisions are bottom-lands, immediately adjoining the banks of streams; second bottoms, or those which have been the courses of the same streams in earlier days; and the high prairies, which are generally separated from the second bottoms by bluffs varying from fifty to three hundred feet in height. From the south-east corner to the north-west, the State rises about two thousand feet.

6. Soil and Products.—The soil in the eastern half of the State is a strong loam. Westward, this grows lighter, but is valuable for grazing, and promises good crops with irrigation. The bottoms and second bottoms are peculiarly rich; while the high prairie, though strong, is not so deep, and is more easily affected by drought.

Almost all grains can be raised with profit, wheat and corn being the staples. Fruit is in abundance, and the varieties are increasing. Coal is the chief mineral, underlying some seventeen thousand square miles. Limestone and sandstone abound, and furnish good building material. The western portion of the State is of peculiar interest to scientists because of large deposits of fossils. It is claimed that there is salt enough to supply the needs of the State. Grain-farming and stock-raising are the leading industries. About forty-four million dollars are

invested in manufactures, the value of the products being upwards of one hundred and ten million dollars.

7. Cities.—The cities whose populations exceeded five thousand, by the census of 1890, were Kansas City, Topeka, Wichita, Leavenworth, Atchison, Fort Scott, Lawrence, Hutchinson, Arkansas City, Emporia, Parsons, Pittsburg, Ottawa, Salina, Newton, and Winfield. Of cities between one thousand and five thousand each the State has not less than eighty.

8. Transportation.—The roads of the State are unusually firm and smooth. Bridges are rapidly taking the place of fords, and the ordinary means of communication are equal to those of much older and wealthier States. The State has its full share of railroads. The Atchison, Topeka and Santa Fé; Chicago, Rock Island and Pacific; Missouri Pacific; and Kansas Division of the Union Pacific railroads traverse the entire State from east to west. The other railroads are the Burlington and Missouri River; Hutchinson and Southern; Kansas City, Fort Scott and Memphis; Kansas City, Wyandotte and Northwestern; Missouri, Kansas and Texas; St. Louis and San Francisco; and Wichita and Western.

9. Population.—In spite of six years of territorial strife, and four years of suffering during the civil war, Kansas has so well recommended itself to those seeking new homes in the West that it already has a population of nearly one and a half millions, comprising the better class of emigrants from every civilized land, and very large numbers from the Eastern and Middle States.

10. Conclusion.—The history of such a State may well be carefully studied under any circumstances. But there are many reasons why the history of Kansas equals in interest that of any of the thirteen original Colonies.

They fought the battle of universal liberty, but when they had conquered they excluded from the beneficent results thousands of human beings because of a darker skin. On the soil of Kansas was begun the conflict which did not end until the old bell of liberty could ring out to all the land, "Proclaim liberty to *all* the inhabitants thereof."

THE RISE OF THE SLAVE-POWER.

11. *Prelude.*—To appreciate the struggle which made Kansas famous, one must know something of the rise of the slave-power. The many minor incidents which fanned the sparks of dissatisfaction into a flame cannot be given. But the more important history must be related, though briefly.

12. *Introduction of Slaves.*—The oldest city in the United States is St. Augustine, Florida. It was founded by the Spaniards, under Melendez, in the summer of 1565; and the rude houses and the fortifications were built by negro slaves. Then and there was African slave-labor introduced on our soil. Later, in 1619, a Dutch man-of-war brought to Jamestown, Virginia, twenty negroes, who were sold to the planters. Importation was not very rapid, for at the end of thirty years there was in this colony but one negro to fifty whites. After that it steadily increased, and at the time of the Revolution slavery was a recognized fact in all the colonies. The total number enslaved was about half a million, of whom some thirty-two thousand were in colonies north of Maryland.

13. Changes in Feeling.—Just before the Revolution, both the northern and the southern colonies began to withdraw from slaveholding. In the “Articles of Association,” adopted by the Congress of 1774, and very generally ratified by the people, it was declared that after December of that year no more slaves should be imported. The prohibition was repeated, without opposition, in April, 1776. But when Jefferson placed in the Declaration of Independence a clause complaining of George III, because he had forbidden the attempts “to prohibit or restrain this execrable commerce,” it was struck out, —mainly at the request of delegates from Georgia and South Carolina. This was the turning-point; and from that time the desire to perpetuate slavery grew steadily, though at first slowly.

14. Slavery and the Constitution.—The question was not before the people during the Revolutionary War, as they were then struggling for mere existence. After the war came a period of great financial distress, ending in a rebellion in Massachusetts known as “Shays’,” from the name of the leader. Then it became necessary to “establish a more perfect union,” and the Constitution was “wrung from the grinding necessities of a reluctant people.” So far as it differed from the old Articles of Confederation, it was a series of compromises. By one of these slavery was recognized, though the word does not appear. Although the South doubted whether slaves were human beings, and stoutly asserted their right to hold them as *property*, they were allowed to count them as persons (three-fifths entering the enumeration on which the representation was based). This virtually made a Southerner who owned five hundred slaves the political equal of three hundred and one free white citizens of the North. Moreover, the Constitution provided (Art. IV., Sec. 2, P. 3) for the re-

turn of slaves who might fly from one State to another. It is true that here, as elsewhere, the word "slave" does not occur; but the omission was only a very pitiable trick by which men lied to themselves and to the world about facts that could not be lied away.

15. The First Fugitive-Slave Law.—In 1793, Congress passed a fugitive-slave law. This was, perhaps, the first explicit national recognition of slavery. By this act it was possible for any one claiming to be the owner, or the agent of an owner, to arrest any negro anywhere, claim him as a slave, and bring the case for immediate trial before any justice of the peace. The testimony of the pretended master or agent would be sufficient, if the magistrate should so decide; and the negro must prove the fact of his freedom, when all justice required that the alleged owner should prove that the man was a slave. The negro was not entitled to a jury trial!

16. The Cotton-Gin.—In this same year Eli Whitney invented the cotton-gin. This separated the seed from the cotton. In thus preparing the crop for the market it did the work of three hundred and fifty men. This gave a great impetus to the cultivation of this plant, and increased the profit in slave-labor, and hence increased the demand for slaves.

17. Importation of Slaves Forbidden.—In January, 1806, Congress formally forbade the importation of slaves from and after January 1, 1808, the date prescribed by the Constitution. This sounds well, but it was really a mere paper law; and all debates concerning the punishment to be inflicted for breaking it show that there was no serious thought of enforcing it. The importation went on as before, both North and South engaging in it more and more zealously—the former rather outstripping the latter in this nefarious business.

18. The Colonization Society.—This was founded at Washington, in 1816, for the purpose of colonizing the free negroes in some part of Africa. Many philanthropic men, from all sections of the country, engaged in this work. But it is not questioned now that the real purpose of most Southern members was to get the free blacks out of the country; their association with slaves and their influence over them being considered dangerous. Many of the radical Northern anti-slavery men saw this from the beginning, and refused to have anything to do with the society. Out of its work finally grew the Republic of Liberia.

19. Anti-Slavery Feeling in the North.—The desire to free the country from the plague-spot, slavery, was slowly but surely gaining ground at the North. The Quakers had taken a firm stand against the institution as early as the beginning of the preceding century. Other denominations were slower to move, but in every Northern State was an increasing number who were at least unwilling to extend slave territory. Many foresaw that, sooner or later, the question must result in a sharp struggle, which might involve the life of the nation.

20. The Missouri Compromise.—When Missouri asked to be admitted as a State, several grave questions came before Congress. Among these were: Can Congress impose conditions on the admission of a State? Can Congress prohibit slavery in the Territories? Can free blacks be considered citizens; and are they, as citizens of certain States, entitled to the privileges of citizens in all the other States? The first was already settled by several unquestioned precedents. The second ought to have been answered sharply in the affirmative, under the express terms of the Constitution (Art. IV., Sec. 3, P. 2). Nor should there have been any hesitation as to the

third. But in the long debate and in the so-called compromise which followed, the first and third were really avoided, and the power of Congress to forbid slavery in Territories south of $36^{\circ} 30'$ was renounced in favor of the South. The supposed gain—that slavery should not exist north of $36^{\circ} 30'$ —was (1) simply the expression of a right which had always been in the hands of Congress; and (2) a breathing-spell gained by the slave-power within which to better prepare for a new struggle. Men who thought this “compromise” settled the status of slavery were never able to shake off the Missouri question. Timid men had yet to learn that “in a free country nothing can be settled that is not right.”

21. The Admission of Texas.—Texas was colonized by the South, though there is no good reason to believe that at the outset annexation was thought of. But it soon became evident that more slave States must be created, or the balance of political power in the National Senate would be lost. Moreover, Mexico abolished slavery, and this threatened to hem in the South with free labor—which would be disastrous in time. Then all the slave-power went at work to secure Texas. The attitude of our country towards Mexico—the rightful owner of Texas, the courses of action pursued, and the measures adopted, were disgraceful in the extreme. At the last moment of Tyler’s Administration, in March, 1845, by a measure which was entirely unconstitutional, Texas was annexed; becoming a State in the following December.

From the outset, annexation was opposed by all anti-slavery men; and the final success of the South hastened the coming strife.

22. The Wilmot Proviso.—In 1846, David Wilmot, of Pennsylvania, offered a bill in Congress to exclude slavery from any newly-acquired territory. This re-

ferred to the territory which the United States then hoped to purchase from Mexico, thus closing the Mexican War. The measure became historical as the Wilmot Proviso. The South plainly said that if the proviso should pass, the time had come to have recourse to the sword. Slavery recognized that as the world advanced its own position became more and more untenable—except by force.

23. The Compromise of 1850.—Early in Taylor's Administration the Missouri State Legislature declared that the Missouri Compromise had ceased to have any binding force. Other slave States repeated the cry. California adopted a Free-state Constitution and asked for admission, Feb. 13, 1850. Previous to this, Henry Clay, in the United States Senate, offered a compromise of all difficulties, consisting of eight points: the most important being, the admission of California, at its own request; the organization of territories acquired from Mexico without the Wilmot Proviso; the retention of slavery, but the abolition of the slave-trade in the District of Columbia; a more stringent fugitive-slave law. The debates over these points, at first united in what was called "the Omnibus bill," was marked by great bitterness; and the word "disunion" was frequently heard. In August and September, however, all were passed. Clay himself said that the chief merit of his measure was that it ignored the admitted opposition of principles. In this feeble way was it sought to stay the irrepressible conflict between freedom and slavery.

The anti-slavery party was stirred to renewed energy by this compromise, and the over-zealous enforcement of the new fugitive-slave law was like oil to flames.

24. Early Occupation of Kansas.—In 1834 Congress declared that all the country west of the Mississippi River,

and not in Louisiana, Arkansas, or Missouri, should be called the Indian country. A large part of this, including what is now Kansas, was placed under the jurisdiction of Missouri. Part of it, on the east bank of the Missouri River, from the mouth of the Kaw to the north line of the State, was a portion of the State of Missouri, in defiance of the terms of the Missouri Compromise. In 1827 a military post was established at what is now Fort Leavenworth. Somewhat later, Rev. Joseph Meeker established near the present site of Ottawa a Baptist Mission to the Indians, and in 1834 brought the first printing-press into the Territory. In 1835 Col. Henry Dodge, while on a return trip from the Rocky Mountains, established Fort Dodge on the Arkansas River, near the present site of Dodge City. In 1842 a military post was established at Fort Scott. Five years later the Catholics founded the Osage Mission, in what is now Neosho County. In 1849 the great rush to California, on the discovery of gold, carried thousands across the State; and the "Great American desert" was discovered to be a veritable land of promise.

25. *The Crisis.*—It soon became evident that the South intended to secure this territory, if possible. The Free-state men were determined to avert this. Neither party wished to strike the first blow. But in 1852 Willard Hall, a Congressman from Missouri, offered a bill to organize the Territory of the Platte, including Kansas and Nebraska. It was laid on the table; and, before its consideration was reached, Solomon A. Richardson, of Illinois, in February, 1853, offered a bill to organize the same territory as the Territory of Nebraska. Neither of these specifically proposed a slave State. The latter passed the House. Stephen A. Douglas, Senator from Illinois, reported it in the Senate without amendment.

It was laid on the table. In December of the same year, Augustus C. Dodge, of Iowa, offered a bill in the Senate to organize the Territory of Nebraska; which Douglas amended, in January. Before it could be considered, Douglas reported a bill of his own as a substitute. This provided for two Territories, Kansas and Nebraska; and expressly provided that as to Kansas the Missouri Compromise was suspended, and declared null and void. After a long and bitter discussion the bill passed, in March, 1854. The struggle had begun.

THE TERRITORY.

Events of 1854.

26. Squatter Sovereignty.—The Douglas bill had proclaimed what was known as "Squatter Sovereignty;" that is, the people of the Territory were to decide by their votes whether or not slavery should exist within its limits. The act under which the Territory was created contained the same provision. The question then became, of course, which class of people should constitute the majority in Kansas—the Free-state men or the Pro-slavery party. Therefore both parties put forth most strenuous efforts to secure emigration to this new domain.

27. Population.—The Territory was occupied, when organized, by about fourteen hundred whites. Of these some seven hundred were soldiers and those attached to the army in various capacities; and the remainder were scattered here and there at the Missions and Trading Posts. Of the latter the most important were those at Elm Grove, at Council Grove, and at Delaware Post-Office—about ten miles from the mouth of the Kaw. The Mission Posts were quite numerous; the most well-

known being Shawnee, some three miles from Westport, Mo.; St. Mary's, in Mission Township; and Osage.

28. Pro-Slavery Preparations.—There is abundant evidence that for some time previous to the introduction of the Douglas bill, the Pro-slavery party was making preparations to occupy Kansas. Slaves had been carried into the country by some of the missionaries, and were even given as presents to a few Indian chiefs. It was hoped in this way to make slavery an accomplished fact from the very outset. Secret treaties had been made with some Indian tribes, that there might be no hindrance to immediate occupation and pre-emption. In all this, Missouri was peculiarly interested. Slave property would become insecure should Kansas be made a free State. It would not do to have only an imaginary line between two such opposite civilizations. Clubs were formed all along the border for the purpose of securing the Territory and keeping out the "Abolitionists." In June, Missourians formed, near Fort Leavenworth, the Squatters' Claim Association. This passed many resolutions, the most noticeable being that "we recognize the institution of slavery as already existing in this Territory, and advise slaveholders to introduce their property as early as possible;" and "we will afford no protection to an Abolitionist as a settler." Throughout the South large meetings were held, and men and means were pushed on as rapidly as possible.

29. Free-State Preparations.—The open violation of the Missouri Compromise sent men over to the ranks of the Abolitionists by thousands. Massachusetts chartered an Emigrant Aid Society, the most prominent members of which were Eli Thayer, Henry Wilson, and Anson Burlingame. The object was to assist emigration, by giving correct information; by securing guides and

special rates by certain routes of travel; and by establishing stores, hotels, saw-mills, and other necessary adjuncts of civilization. County branch leagues were created by which to call attention to this movement. This New England Society was sometimes called "a plan for freedom." Somewhat later, under a new charter, Amos A. Lawrence and Edward Everett Hale came into the company. A Union Emigrant Aid Company was also formed at Washington; and Kansas Leagues were established at Cincinnati and in other Western towns. The purposes of these companies seem to have been legitimate, and fairly carried out.

30. Town Companies.—These organizations became well known and popular in the new Territory. Sites thought to be desirable were pre-empted or purchased, and then laid out into towns. Ownership of these was indicated by shares, which were paid in town lots, determined by a "drawing." The first was the Leavenworth Town Company, and was organized at Weston, Mo., in June.

31. First Free-State Emigrants.—The first Free-state party, thirty in number, left Boston on the seventeenth of July, under the leadership of Charles H. Brancombe. They reached what is now Lawrence about the first of August, and put up their tents on the side of Mount Oread; so named from Mount Oread School, Worcester, Mass. Two weeks later the second party arrived; having with them Dr. Charles Robinson, afterwards Governor, and Samuel C. Pomeroy, afterwards United States Senator. In October came a third party under Brancombe; and the collection of tents and of log and board huts, hitherto called Wakarusa (though some dated their letters from "New Boston," while the Pro-slavery men spoke contemptuously of "Yankee settlement"), was given the

name of Lawrence, in honor of Amos A. Lawrence, of the Aid Company.

32. The First Church.—The first denominational organization in the Territory, outside the Missions, was the Congregational Church at Lawrence, under the care of Rev. S. Y. Lum; dating from October 15th, with only seven names attached to the original articles.

33. The First Newspapers.—The first newspaper issued in the Territory was the *Leavenworth Herald*, printed under an elm tree, on the site of the present city, and sent out to represent the Pro-slavery cause. This was on September 15th. One month later came the first number of the *Kansas Tribune*, of Lawrence, published by John Speer; and of the *Herald of Freedom*, published at the same place, by George W. Brown. The first issues of both papers were outside of Kansas; the *Tribune* being printed in Ohio, and the *Herald of Freedom* in Pennsylvania. Both were staunch Free-state papers. In November the *Kansas Pioneer* made its appearance. It was printed at Kickapoo, of which place there was almost nothing but the name. These four papers relied for their circulation and support on the interest felt in other communities, their subscribers being largely in Eastern and Southern States.

34. The First Election.—The first election held in the Territory was in November, for delegate to Congress. J. W. Whitfield was the candidate for the Pro-slavery party; J. A. Wakefield and R. P. Flenniken represented the Free-state men. Men rode over the Missouri border by hundreds, voted for Whitfield, and rode home. There were many threats, but no actual violence occurred. The Free-state men were outnumbered more than four to one. The Pro-slavery candidate was declared elected, and took his seat in Congress.

35. Topeka Founded.—In December, some twenty-five people, Free-state men, selected the site of Topeka and founded the town; the most well-known names in this connection being those of C. K. Holliday and F. W. Giles. Early in the next spring it received large additional numbers, and from the outset asserted its claims to be chosen as the capital.

36. Work of the Year.—The year closed showing Lawrence and Leavenworth as villages of some four hundred people each; Topeka just organized; and Kickapoo little more than a paper town. Of actual, legal settlers, the Free-state party had the greater number. The towns on the Missouri River refused to patronize steamers that carried Free-state men or supplies for them. It was hoped in this way to check emigration, and to starve out those who had ventured within the Territory.

Events of 1855.

37. Prelude.—The first three months of this year gave little promise of the exciting scenes which followed. Everybody knew that neither party would relinquish control of the Territory without further struggle. Just what course the conflict would take could not be clearly foreseen, and it was left to shape itself. The Pro-slavery men were united in their purpose to use all means, good or bad, to devote the Territory (and the future State) to slavery. The Free-state men were divided into three quite distinct parties: those who determined to act on the defensive only; those who still looked to the general government for protection in a full and fair expression of opinion at the polls; and those who wished to strike a blow, and the sooner the better. The first two were about equally

divided as to numbers; the conservatives regarding Dr. Robinson as their leader, the administration men looking to James S. Emery. The radicals were decidedly in the minority.

The first post-office in the Territory was established at Lawrence, in February. In this month, also, was taken the first census—showing a population of 8,500, with some 2,900 qualified voters.

38. The March Election.—The election for the Territorial Legislature was held on March 30th. The Governor's proclamation called for thirteen members of the Council, and twenty-six members of the House. For some time previous, the Missourians, under the leadership of David R. Atchison, who had been for twelve years a United States Senator, had been planning to control the law-making. On the day before the election, about a thousand men marched across the line to Franklin, three miles from Lawrence, and went into camp. They came in wagons and on horseback and on foot; were armed with rifles, muskets, shot-guns, revolvers, and bowie-knives; and carried with them a small cannon, and a large amount of whiskey. Their coming had been anticipated, and supplies had been secretly stored for them at the house where the voting was to take place.

On election day they entered Lawrence, made the morning hideous with their drunken brawling, captured the polls, cast more than eight hundred illegal votes, and then separated into small bands, which were marched off to secure other doubtful districts. The Free-state men were entirely overpowered, no resistance was offered, and so there was no real violence—though, of course, there were many threats and some collisions.

Similar scenes were enacted at all the river towns; the Missourians crossing the line, voting, and returning home

the same night. The election returns showed more than twice as many votes cast as the census—completed but a month earlier—had shown voters.

39. The Result.—The Pro-slavery newspapers were loud in their expressions of triumph, and called on the South to fill up the Territory with slaves at once. A Vigilance Committee was formed at Leavenworth, with the avowed purpose of driving out of the Territory all who, “by the expression of abolition sentiments, produce disturbance to the quiet of citizens, or danger to their domestic institutions.”

The Free-state men were driven into closer union. Formal protests were filed against the returns from several districts, and in six of these Gov. Reeder called a new election. No Missourians being present, in one only (Leavenworth) was a Pro-slavery man chosen.

40. The Lynching of Phillips.—William Phillips, a lawyer of Leavenworth, had protested against the fraudulent election in his district, and was one of those who filed with the Governor a formal affidavit in this matter. The Vigilance Committee notified him to leave the Territory, which he refused to do. In May, a party of Missourians seized him, carried him across the river to Weston, shaved his head, stripped him, tarred and feathered him, rode him on a rail for more than a mile, and then compelled a negro to sell him at auction—the price bid being one dollar.

At a public meeting held afterwards in Leavenworth, all this was deliberately and warmly endorsed by a number of prominent citizens, and by members of the Legislature; and was thus lifted above the hasty act of a few irresponsible border ruffians. This is considered the first personal outrage dictated by political motives only.

41. Meeting of the Legislature.—The Territorial Legislature met at Pawnee, July 2d. The Free-state men who were returned from the districts in which new elections were ordered, were deprived of their seats. The Legislature at once determined to transfer the seat of government to Shawnee Mission, about three miles from Westport, Mo. They carried this proposal over the Governor's veto. Because of this, Reeder refused to longer recognize the Legislature or its acts. On the 16th, the members reassembled at Shawnee, many of them spending each night on the Missouri side of the line. The two remaining Free-state members resigned, on the ground that the Legislature was an illegal body, because of the fraud and violence of the election. This left law-making entirely in the hands of the Pro-slavery men. Most of these were residents of Missouri while legislating for the new Territory.

42. The Bogus Laws.—The laws passed at this session are known as the "Bogus Laws," from the general character of the Legislature. They were little more than a transfer of the statutes of Missouri, with a few necessary changes in names. But the laws in favor of slavery were intensified, and have been very properly designated "a code of horrors." Given the power to enforce them, the Legislature could have soon made every Free-state man a convict in chains, working side by side with the slaves of the pro-slavery citizens. Of course, this overshot the mark, and made the code a dead letter from the day of its enactment. But nothing could better exemplify the character and temper of the men who had set their hearts on the conquest of Kansas.

43. Lecompton.—Early in August the capital was transferred to Lecompton, then as now a small village

between Topeka and Lawrence, but which was for the next four years the center of a great struggle. It is said that the name of no city in the world was ever such a party cry; and that from 1855 to 1859 "Leecompton" was spoken in as many languages as the name of London, Paris, or Berlin.

44. Pardie Butler.—A few days before the removal, Rev. Pardie Butler, who had acted as agent for the Emigrant Aid Society, was detained over night in Atchison, while on his way East for more settlers. He frankly stated his mission, and his opinion of the general condition of affairs in the Territory. The next morning he was requested to sign some pro-slavery resolutions recently passed in Atchison. Refusing, the letter **R** ("Renegade") was painted in black on his forehead; he was placed on a raft made of two logs lashed together; a flag covered with sentences threatening similar fate to all Abolitionists, was fastened to the craft; his baggage and a loaf of bread were given him; and he was set adrift on the Missouri River. He managed to get safely on shore about six miles below the city.

45. Big Springs Convention.—The events of the year thus far showed the necessity of united action on the part of the Free-state men. Though the distinctions already mentioned never entirely disappeared, the factions drew nearer together, and virtually united in the Big Springs Convention, on September 5th; when the Free-state party was formally organized. The platform resented all interference of non-residents at the polls or elsewhere; declared against slavery, but deprecated abolitionism; thought all negroes should be kept out of the Territory; denounced the bogus Legislature and its laws as "an infamous despotism;" and called on the people of the Territory to organize and discipline volunteer

companies, and to be prepared to resist "to a bloody issue" if peaceable means of redress failed. While the general temper of the convention was conservative, the radicals evidently held the pen.

46. Re-election of Whitfield.—The second election for delegate to Congress occurred on October 2d. By common consent the Free-state men avoided the polls; knowing that their presence there would be the signal for another invasion, and that in any event their candidate would not receive his seat. J. W. Whitfield was therefore returned to Congress.

On the ninth of October, by resolution of the Big Springs Convention, an election was held in which only the Free-state men participated; resulting in the choice of Reeder as Territorial delegate. He had previously been removed from the office of Governor—without doubt because he favored the Free-state cause; and Wilson Shannon had been appointed in his stead.

47. Topeka Constitutional Convention.—On the organization of the Free-state party it was determined to call a convention, secure the adoption of a Constitution, and apply to Congress for admission as a State. Accordingly, duly elected delegates met at Topeka, October 23d. The most well-known names connected with this movement are: Charles Robinson, James S. Emery, James H. Lane, Mark Delahay, J. K. Goodin, C. K. Holliday, M. J. Parrott, W. Y. Roberts and J. A. Wakefield. Lane was made President of the Convention, and a Constitution was adopted which for three years was the rallying-point of nearly all the more intelligent Free-state men. It declared against slavery, but limited the elective franchise to white male citizens, and to civilized male Indians who had adopted the habits of the white man—a rather peculiar and doubtful clause.

48. The Wakarusa War.—Towards the last of November, Charles Dow, a young Free-state settler, was shot and killed by one Coleman, a Pro-slavery man. The murder was committed near Hickory Point, about nine miles from Lawrence. A land claim had given rise to a dispute, which was undoubtedly intensified by political feeling. The dead body was left in the road from noon till sundown. Coleman fled to Missouri.

In the evening a meeting was held by the Free-state men of that vicinity, and resolutions were passed denouncing the murder. That night the empty cabins on three Pro-slavery claims were burned. On the next day a warrant was issued for the arrest of one Branson, a leader in the meeting. Samuel J. Jones, sheriff of Douglas County, though then the postmaster of Westport (Missouri), and residing in that village, with a posse of fourteen mounted men, took Branson out of bed that night and started for Missouri with him. They were met by some fifteen Free-state men under the lead of J. B. Abbott and Samuel N. Wood, and Branson was rescued—though without actual force being used. The rescuing party marched to Lawrence, and Jones rode to Franklin, whence he sent a message to the Missourians to "come on."

Lawrence had been frequently threatened with extermination, and the Missourians asserted that they now had reason to make their threats good. The feeling in the town was that the hour for deadly conflict had come. The citizens were at once put under arms. Dr. Robinson was made General, Lane was appointed second in command, earthworks were thrown up, volunteers were called in from the surrounding country, and many outlying claims were deserted as dangerous, because in the path of the enemy—the owners flocking to the village.

Armed companies came in from Topeka, Bloomington, Wakarusa, and Palmyra. While the people resented the charge made to and by the Governor, that they were a "combination of lawless men," they did not hesitate to assert that they would defend themselves to the last man.

About fifteen hundred Missourians assembled at Franklin. They terrorized the neighborhood, robbing men and wagons going to Lawrence, and even plundering the United States mail. For more than a week, Lawrence was virtually in a state of siege, constantly expecting a collision between the forces. Gov. Shannon appears to have been at least irresolute—some thought him favorable to the Missourians. Finally a settlement, sometimes known as the Treaty of Lawrence, was effected. The Governor claimed to have misunderstood the nature of the trouble, the citizen-volunteers were dispersed, and the Missourians plundered their way home again—defeated but not discouraged.

49. Death of Barber.—During the siege many outrages were committed in the surrounding country by stragglers from the invaders' camp. Houses were robbed, stock was driven off, stacks of grain and hay were fired, and heavy losses inflicted on the entire community. The only death recorded was that of Thomas Barber. He was riding out of town, in company with a brother and two friends, when a party of Pro-slavery men met them. There was a halt, some words passed between the two parties, the Barbers spurred on, when shots were fired, killing Thomas almost instantly. He was the first martyr in the good cause, the murder being the first resulting from purely political strife.

50. John Brown.—During the siege a strange party of rescuers came in from the South. It consisted of an elderly man and his four sons, armed with cutlasses,

revolvers, carbines, and pikes made of bayonets rudely fastened to stout poles. The leader was John Brown, afterwards made famous by his invasion of Virginia and the seizure of Harper's Ferry. His sons had come into the State early in the year, and had taken up claims and begun their home-building some eight miles from Osawatomie. Insulted and threatened by their Pro-slavery neighbors, they finally wrote to their father for the help of his presence. For years his thoughts had dwelt with intensest feeling on the probable struggle, which he now felt had come, between the principle of freedom and the fact of slavery. He went to his sons at once, and for three years played a conspicuous part in the history of the Territory. He had not a constructive mind—he was not a State-builder. Nor was he, in any true sense of the word, a leader. But his integrity of purpose, his forgetfulness of self, his earnestness, his stern determination, and his undaunted courage made him a marked character—one of the last to be forgotten.

51. Adoption of the Topeka Constitution.—On December 15th, just after the Missourians had withdrawn, the Topeka Constitution was adopted, about seventeen hundred votes being polled. As showing the thought then prevalent, it should be stated that nearly thirteen hundred votes were cast in favor of excluding from the Territory all negroes and mulattoes.

52. Conclusion.—The year had been one of great anxiety and suffering on the part of the Free-state men. By force and fraud their opponents seemed to be gaining the upper hand. The more important events just narrated were by no means all that had marked the last twelve months as a period of distress. Want sat at many a fireside, danger lurked in every thicket, the air

was filled with vague forebodings. Some lost heart, and sought their Eastern homes. But their places were more than filled by those who came determined to fight it out to the bitter end.

Events of 1856.

53. *Prelude.*—The shadows of this eventful period darkened as the winter hastened by. Armed men from the South flocked into the Territory, and before spring had fairly opened, companies of “settlers—equipped and provisioned for one year,” from Georgia, Alabama, and South Carolina, showed that the Pro-slavery men were in deadly earnest. The pretext of “settlers” might just as well have been thrown aside. Such men as Major Buford and his followers were bent on conquest only.

The Free-state men sent messengers through the North to rouse to action those who sympathized with them. To check the new tide of immigration that resulted, the steamers on the Missouri were stopped and plundered of all goods destined for Free state men and of the baggage of incoming settlers, many of whom were so alarmed that they turned homeward. Finally, all travel by river was virtually at an end; the more determined coming by what was known as the Iowa route.

54. *Murder of R. P. Brown.*—The election under the Topeka Constitution occurred on January 15th. The severe weather prevented another invasion of the polls; the Pro-slavery men very generally refused to vote; and the Free-state men had things their own way. Dr. Robinson was elected Governor.

But the election was not without its tragedy. The Mayor of Leavenworth forbade opening the polls, and the vote was taken secretly at a private house in Easton.

The Free-state men were attacked several times during the day; and finally, in quite a sharp conflict, a Pro-slavery man was mortally wounded. The Kickapoo Rangers were at once called out, and on the following morning seized Capt. R. P. Brown and several other Free-state men who had taken part in the affray. These were confined in a store at Easton during the day, while efforts were made to organize a "Court" to try them. As the crowd became more and more intoxicated and uncontrollable, and bloodshed seemed imminent, the Captain of the Rangers allowed all but Brown to escape. The latter was then attacked by the mob, and hacked and stabbed till at the point of death. He was then thrown into a lumber wagon and driven ten miles over the frozen ground, suffering the most cruel indignities during the entire ride. Reaching home, he was thrown roughly from the wagon, was dragged into the house by his wife and some neighbors, and died in about three hours. No efforts were ever made by the Administration to bring the murderers to justice.

55. The Free-State Legislature met at Topeka on the 4th of March. The Governor's Message was a clear and able history of the Free-state movement, and was circulated through the North with good effect. Lane and ex-Governor Reeder were elected to the United States Senate; and a memorial was prepared, asking admission to the Union. The session lasted but four days.

56. Increasing Lawlessness.—Sheriff Jones still held the writs issued in the Branson case, and was determined to use them, though checked by the treaty of Lawrence. It was well known that another attack would be made on the town as soon as the weather made camping out comfortable. Meanwhile lawlessness increased everywhere. In many counties Pro-slavery juries indicted the men

who took part in the Free-state election. Pardee Butler, returning to Atchison, was stripped to the waist and tarred and covered with cotton. The Free-state Hotel and the Free-state newspapers at Lawrence were declared nuisances, and orders were issued to abate (destroy) them. Gov. Robinson, Reeder, and others were indicted for high treason. An attempt was made to arrest Reeder, but he fled from the Territory in disguise. Gov. Robinson started East, with his wife, but was arrested at Lexington, Mo., without a shadow of legal authority, and was taken back to the Territory a prisoner. Sheriff Jones finally entered Lawrence, attempted to arrest S. N. Wood, but failed. He called on the citizens to aid him, and they refused to obey. That was enough.

57. The Sacking of Lawrence.—As rapidly as possible the Administration forces were brought together. They consisted of companies of Pro-slavery men organized in the Territory and called the "Territorial Militia," their officers being commissioned by the Governor; companies from the Southern States; and the usual mob of Missourians. Before the middle of May they were again gathering around Lawrence. The old earthworks had been strengthened, and the obnoxious hotel, a substantial stone building just completed, was a very respectable fortification. But Lane was in the States, soliciting aid: Robinson and many others were in prison; and scores of others were in hiding, as the Pro-slavery officials were scouring the country and making wholesale arrests. The new Committee of Safety did all it could for the town, but felt powerless to resist the entire weight of the Administration, backed by the forms of law.

On May 21st, cannon were planted on Mount Oread, the armed forces of the invaders were drawn up, and Sheriff Jones, with Atchison at the head of the posse,

entered the town. No resistance was offered. Some arrests were made, and the work of destruction began. The hotel, over which had been raised the flag of South Carolina, was battered down and burned; the printing-offices were gutted, the presses broken, and the type thrown into the river; and then the mob were turned loose, as the legal work was done. Pillage was the order of the day; Governor Robinson's house was burned, citizens were insulted and assaulted, and finally the plundering band dispersed. The total loss to Free-state men was not less than \$200,000.

58. Retaliation.—At last it seemed that patience had ceased to be a virtue. Within forty-eight hours it was evident that a regular guerilla war had begun. Free-state men took to the road, asserting that their time had come, and that it should no longer be a one-sided conflict. Straggling bands from the retreating force were attacked and robbed of their plunder. Depredations were committed on the houses and property of noted Pro-slavery men. Almost instantly the Territory was in a state of anarchy.

59. The Pottawatomie Massacre.—John Brown had opposed the treaty of Lawrence. From the first he asserted that war must come, and the sooner the better. When it was known that Lawrence was again besieged, with six sons and a son-in-law he started for the town. On the way he was met by a messenger, telling the story of the outrage already committed. While doubtful as to the next step, hot with indignation and anger, he heard that five violent Pro-slavery men, living near what was known as Dutch Henry's Crossing, on the Pottawatomie, had threatened their Free-state neighbors, and it was rumored were about to strike a blow. On the morning of the 25th the three Doyles, Sherman, and

Wilkinson, the men referred to, were found on the prairie, not far from their homes, covered with frightful wounds—dead. They had been called out late at night by a small band of men and murdered. There is no doubt now that the men who did the deed were John Brown and his followers.

60. Battle of Black Jack.—Capt. Pate, at the head of some Missourians, immediately marched over to Osawatomie to arrest the Browns, who were suspected; and failing to find the father, captured two sons, turning them over to the custody of the United States troops. From his camp, Pate then raided Palmyra and Prairie City, when John Brown and Capt. Shore, with a united force of about thirty men, drove him to cover, and on the 2d of June fought the battle of Black Jack—the first pitched battle on Kansas soil. After a conflict of three hours, Pate surrendered.

61. Dark Days.—Brown encamped near Prairie City; but his forces were dispersed by Col. Sumner, of the United States army, who had been ordered to disband all armed bodies on either side. Contrary to the pledges made to him, however, the Missourians neither left the Territory nor disbanded. On the 6th of June, the regulars having withdrawn, they sacked Osawatomie. Cantrel, a Missourian but a Free-state man, was tried for “treason to Missouri,” and, with four others, shot down by the roadside. Bands of marauders, recruited from either party, filled the highways and plundered without restraint. In all the river towns the anti-Missouri men were terrorized and frequently driven from their homes. Free-state men on the river steamers were robbed and threatened with death if they dared complete their journey.

As the Free-state men were deprived of nearly every opportunity for self-support, and were incurring heavy losses, their sympathizers began sending relief. Not less than \$250,000 was put under way for the Territory during the summer and fall. At least half of this fell into the hands of the enemy while in transit.

62. Dispersion of the Legislature.—The Topeka Legislature had adjourned to July 4th. Secretary Woodson, who was acting as Governor, Shannon being absent, issued a proclamation forbidding them to reassemble. Just at the hour of their meeting, Col. Sumner rode into Topeka, and, with the regulars drawn up in front of the building and cannon in place, entered first the House and then the Senate, ordering each to disperse. He performed the unpleasant duty courteously, and with many expressions of regret, which added much to the respect he had won from the Free-state party. In all this strife, as far as a soldier under orders could express himself in word or deed, he was their friend.

63. Battle of Franklin.—Soon after the battle of Black Jack, a party of young men from Lawrence made a night attack on Franklin—always head-quarters for the Missourians—but with small results. On August 11th, Major Hoyt, under a flag of truce, went to the border-russian camp on Washington Creek, to secure, if possible, a mutual agreement to disband, but was waylaid and murdered. It was at once determined to “break up the Pro-slavery nests.” In the attack on Franklin which followed, the villagers occupied a block-house, and defended it vigorously. After sharp firing for three hours, a wagon load of burning hay was backed against the building, when the enemy fled, losing all their arms and ammunition. They escaped to the camp on the creek,

whence the united forces withdrew on the approach of Gen. Lane and Col. Grover. A large quantity of spoil previously taken from the Free-state men was found on the deserted ground and restored to the rightful owners.

64. Defeat of Col. Titus.—There was now but one Pro-slavery stronghold south of the Kansas River, and that was the fortified house of Col. Titus, near Lecompton. A few days after the battle of Franklin, Capt. Samuel Walker, a most daring and successful leader, attacked the place, and in half an hour compelled a surrender, securing twenty prisoners, and burning the building. There were killed and wounded on both sides, but Titus plead for his life and was spared.

65. Shannon Removed.—Right on the heels of the news from Lecompton, word came that Gov. Shannon had been removed. This placed Woodson again in the saddle. He at once issued a proclamation declaring the Territory in a state of insurrection, and called on the "militia" to rally. This meant, of course, that the Pro-slavery men were to have the full support of the Administration; hope revived, and the guerilla bands were reorganized, reinforced, and marched at once towards Osawatomie. Hundreds of Free-state men believed their cause lost, and fled from the Territory.

66. Destruction of Osawatomie.—The Pro-slavery force that had gathered were at once attacked and driven back. But three days later they returned, four hundred strong, well armed and with cannon. Two young men, one a son of John Brown, were shot in the fields, and the force swept on to the village.

There were but forty men ready for its defense, commanded by John Brown. After an obstinate fight they were obliged to abandon the village to the enemy, who

plundered every building and then burned the town. Only four cottages remained. This was on the 29th of August.

67. Murder of Phillips.—On September 1st, the city election of Leavenworth was held. The city had now a population of some two thousand, many of whom were Free-state men. The “Regulators,” under Capt. Emory, a United States mail contractor, so terrorized the town that not a Free-state vote was cast. Under pretense of searching for arms, the band approached the house of Phillips, who had previously been tarred and feathered. He repelled his assailants, killing two of their number, and was riddled with balls, dying instantly. One hundred and fifty Free-state citizens were forced on board a river steamer, and driven from the town—with no provision for their journey eastward, and leaving their property and homes in the hands of the mob.

68. Arrival of Gov. Geary.—The character and experience of the third Governor of the Territory gave promise of better days. He had been a soldier, and as a civilian had seen hard service in the days of the vigilance committees in California. He came to Kansas determined to secure fair play, and to hold the reins of government in his own hands. On his way he held an interview with the Governor of Missouri, which resulted in an immediate withdrawal of the pirates, and in opening the river for travel. His picture of the Territory on his arrival is worth repeating. “Roads filled with armed robbers, and murders for mere plunder of daily occurrence. Desolation and ruin on every hand; homes and firesides deserted; the smoke of burning dwellings darkening the air; women and children, driven from their habitations, wandering over the prairie and among the woodlands, or seeking refuge and protection even among the Indians.”

69. Battle of Hickory Point.—The new Governor at once ordered the territorial “militia” to disarm and disband, and all armed Missourians to leave the Territory forthwith. This proclamation was practically unheeded. Two days after it was issued, Capt. Harvey, with a force from Lawrence, made an attack on the Pro-slavery men who had been raiding the country around Hickory Point, about five miles east of Ozawkie, in Jefferson County. Although strongly fortified in three houses, a battle of six hours compelled surrender. Harvey’s men were arrested and indicted for murder; but the few who had not “escaped” by spring, were pardoned by the Governor.

70. Lawrence Threatened.—The ruffians who had rallied under Woodson’s call were now in the neighborhood of Lawrence, more than two thousand strong, threatening to visit on the town the fate of Osawatomie. Within the fortifications were some four hundred men, well armed and under the command of John Brown—Lane having gone northward to aid and guide the emigrants coming in by the way of Iowa. Gov. Geary rode to Lawrence, learned the true state of affairs, commended their pluck and told them to stand to their arms, rode out to the Missouri camp, met the advance-guard already on the march, faced them about, and by the mere force and determination of his character broke up the entire force and saw them well on their homeward march. This was really the last invasion of the Territory in the North—though the conflict had by no means ceased.

71. Conclusion.—The year brought the Free-state cause to the lowest possible ebb; but with the appointment of Geary, the tide turned. The Free-state men were encouraged, and were disposed to place confidence in the new Territorial Administration—and therefore

very generally made a desperate effort to repair the losses of the year, and to make ready for winter. The Missourians hesitated as to what was the best policy to pursue under all the circumstances. The Pro-slavery men who were actual settlers knew that unless aid came from without they were powerless. Three months of comparative quiet was the result.

The War in the South.

72. *Prelude.*—Lawrence, as a Free-state town, surrounded by Pro-slavery neighborhoods and settlements, had, naturally, been the center of strife in the northern part of the Territory. Fort Scott, if not a Pro-slavery town, at least the point from which went out most of the opposition and irritation constantly experienced by the Free-state settlers in that portion of the Territory, became the center of the struggle in the south.

In 1842, the site of the present city was occupied as a military post; and it was not till 1855 that the Government withdrew its claim. A number of settlers were already on the public lands, but most of the adjacent country was then in the hands of Indians, and the town company was unable to organize till June, 1857; though a large number of claims were taken subject to the removal of the tribes. Once fairly under way, the town grew rapidly, and except during the Civil War has known almost unbroken prosperity.

73. *Cause of the Trouble.*—In the spring of 1856 a party of South Carolinians entered the county. These mingled freely with the settlers, who stated without reserve their political opinions, and gave much-needed information as to their means of defense. In this way a list of Free-state men was prepared; one by one they

were "arrested" and taken to Fort Scott, and by fraud or threatened violence were induced to leave the county. At the opening of winter the Pro-slavery men were occupying the deserted claims.

74. *The Return.*—During the next year, after the Free-state men gained control of the Legislature, the original settlers began to return. Their numbers were largely increased by new-comers who wished to settle in that county, and by others who were anxious to assist in restoring those who had been driven out; and they thought they were able to maintain their rights. The Pro-slavery men were notified that they must abandon the claims; and most of them acquiesced, believing resistance useless. Those who refused prepared to defend themselves; and the efforts of the returning settlers to dispossess them by force led to frequent collisions.

75. *The Squatters' Court.*—The District Court was disposed to stand by the Pro-slavery men, and in many instances rightfully. But the disaffection of the opposition was so great that they finally organized a Court of their own, known as the "Squatters' Court." Although without legal existence, its proceedings were marked by both dignity and justice.

In December of 1857, the deputy marshal, with a posse of some fifty men, undertook to capture the Court, but was repulsed. On the following day he returned with about a hundred and fifty men; but the Court had adjourned. On the next Sunday, after a meeting on the old ground to celebrate their victory, the Court disbanded.

76. *James Montgomery.*—No name is more prominent in connection with these Southern troubles than that of James Montgomery. He came into the Territory in 1854, taking a claim near Mound City, in Linn County,

where he resided till his death, in 1871. He was both a teacher and preacher before his Kansas life began, and in the entire struggle was a recognized leader. He had a retentive memory, and was a pleasant speaker. He was prompt and decisive, cool and brave, a praying fighter, and therefore a dangerous enemy.

77. Troubles in Linn County.—During the years of the claim troubles just narrated, Linn County had experienced similar disturbances. The first Missourian raid was made in the fall of 1856. The ruffians burned several houses near Sugar Mound, robbed others, and recrossed the line with considerable plunder. Montgomery at once determined on reprisal. With but seven followers he entered Missouri, destroyed the arms of twenty Pro-slavery men, who had been made prisoners, and returned with \$250 in money and eleven good horses. The greater part of the Sugar Mound men were not prepared to sustain such vigorous action, and Montgomery became practically an outlaw, though the number who worked with him constantly increased. At this day it is difficult to determine whether his general course provoked or prevented attacks by the men of the border.

78. The Osages.—Montgomery and his followers soon came to be known as the "Osages," because of their operations along the line of the Little Osage River; and as such were a terror to all Pro-slavery men in both counties. From time to time Free-state men who were involved in trouble asked their aid, and it was always granted. Finally, United States troops were quartered at Fort Scott to maintain the peace. Montgomery asserted that they were there to protect Pro-slavery men in their unlawful depredations, and the Osages began marauding expeditions. These resulted in breaking up some three hundred

families, who fled to the town for safety—many of them leaving the county forever.

In April of 1858, a company of United States cavalry attempted to capture Montgomery. For the first and only time in the history of the Territory, the National troops were resisted. One soldier and the Captain's horse were killed, and the Osages escaped.

79. *Marais des Cygnes Massacre.*—Among the raids and counter-raids of this year, that which resulted in the massacre of Marais des Cygnes (Swans' Marsh) is the most noted. This occurred in May, and was under the leadership of Capt. Chas. A. Hamilton—one of a family driven out of Fort Scott but a short time before. He had secured a list of some seventy Free-state men, who had been proscribed—that is, they were to be killed at sight. With a force of some thirty men he unexpectedly crossed to Trading Post, in Linn County; captured eleven men, then engaged in peaceful avocations; drew them up in line, and shot them down without mercy or delay. Five men were killed outright; five were wounded, but recovered; one was unharmed, and escaped by feigning death.

Montgomery was at once informed of what had happened, and soon after was furnished a list of those who had been proscribed. The latter were guarded so carefully, and Hamilton was watched so keenly—for the Osages were determined to kill him—that no further outrages were possible.

Five years afterwards, Griffith, one of Hamilton's men, was captured, tried, and convicted in the District Court of the new State, sentenced, and hanged. One of the wounded men was chosen as the executioner. This was the only one of those murderers who was brought to justice.

80. *The Last Border Feuds in the South.*—The mas-

saere, and the subsequent action of Montgomery, created such excitement at Fort Scott and in the vicinity, that Sam. Walker, of Fort Titus fame, now deputy marshal, was sent to arrest the leader of the Osages. He accomplished this, and without force, though at great personal risk; but released his prisoner on the following day, hearing that Pro-slavery disturbers, whom he had also arrested and turned over to the military authorities, had been freed. This was the only time that Montgomery ever submitted to arrest.

Within a week the Osages were again at Fort Scott, attempted to burn the Western Hotel—Pro-slavery head-quarters—and fired into the town from the southwest. Gov. Geary, like his predecessors, fearing assassination by the Pro-slavery men, had left the Territory and resigned; and Gov. Walker had been removed, undoubtedly, because of his fairness. On hearing of this disturbance, ex-Secretary Denver, now Governor, went to Fort Scott, and after a long conference concluded a truce between all parties. The terms included the disbanding of all bodies of armed men, and the suspension of all old writs issued against members of either party. It was hoped that peace had come.

It is difficult to say which party first broke the truce; but in November Benjamin Rice was arrested for a "bygone" offence, and on the same day the Osages were at work. For a fortnight there was indiscriminate plundering and threats of personal violence. Another conference followed, but without results, Montgomery being determined to release Rice. He accordingly attacked Fort Scott, captured the hotel in which Rice was confined, and set him free, and retreated in safety with property worth some \$6000. One man, on the Pro-slavery side, was shot and killed.

Under advice of the Governor, a company of militia was quickly organized and duly equipped. In February, 1859, this force began operations against the Osages, with some promise of success; but the General Amnesty Act passed by the Territorial Legislature closed the struggle, and Montgomery's men and their deeds became things of the past.

81. Conclusion.—In the last attack on Fort Scott John Brown took part, though he did not enter the town. After the Pottawatomie massacre and the events which immediately followed, he gave most of his time to raids into Missouri for the purpose of freeing slaves—in which he met with considerable success. These acts came to be regarded by even the Free-state men as simply tending to increase the border troubles, and finally a reward was offered for his capture. Few cared to undertake this task, however, and his Canadian colony of blacks grew steadily though slowly. Having left Montgomery, after the Fort Scott raid, he crossed the line, brought out fifteen slaves, and escaped with them by the Iowa route. It was the last time he saw the Territory. Within a year came the descent on Harper's Ferry, and his subsequent execution. In the following spring Montgomery and a few of his men undertook to rescue the rest of Brown's party—then in jail at Charlestown, Va.—but the deep snow prevented a successful effort.

Constitution Making.

82. Prelude.—Contrary to all expectations, the sharp conflicts of 1856 were the last serious disturbances known in the disputed ground around the Territorial

capital, the Free-state town, and the villages of the North-eastern border. Though the fairness and firmness of Gov. Geary and of his successor, Robt. J. Walker, ultimately drove them from their positions, they held contending parties in check long enough for all to begin to realize that moral forces were working out the salvation of the Territory more rapidly than could the sword.

83. Changes.—In February, 1857, the House of Representatives declared all Acts of the Territorial Legislature to be void, on the ground that they were cruel and oppressive, and that the Legislature was not elected by the legal voters of Kansas, but was forced on them by non-residents. In May occurred the trial of Gov. Robinson and other officers under the Topeka Constitution. At the close of the first week all the charges were withdrawn. About the last of June, the Free-state men carried the city election in Leavenworth. In July, Lawrence refused to recognize a charter issued by the Lecompton Legislature, and organized an independent government—and no invasion followed! Evidently the end was at hand.

Under Gov. Walker's assurance that the October election should be fair and free, and in spite of the protest of the more radical leaders, enough Free-state ballots were cast for members of the Territorial Legislature to secure control of that body by nearly a two-thirds vote. The Pro-slavery men never came into power again.

At the Legislative session in 1858, the most obnoxious of the bogus laws relating to slavery were repealed. At the next session, in 1859, an Act was passed granting general amnesty for all past political offences—which was so construed as to cover nearly all offences committed thus far in the Territory—and repealing the bogus laws. A bill abolishing and prohibiting slavery was not signed by the

Governor. The session closed at midnight, a huge bonfire was built, and copies of the bogus laws were burned. Both these sessions were held in Lawrence, after adjourning from Lecompton.

84. *The Constitutions.*—Four Constitutions were created by the people before the Territory became a State. These are, in their order, that of Topeka, of Lecompton, of Leavenworth, and of Wyandotte; under the last of which Kansas was admitted to the Union.

85. *The Topeka Constitution.* was adopted in December, 1855; and under it, in the following month, was completed the first State organization. As has been stated elsewhere, it prohibited slavery, but limited suffrage to white males and to civilized Indians who had adopted the habits of the white man.

The radical Free-state men, under the lead of Gov. Robinson, clung to this organization. When it became evident, after the election of 1857, that their principles could be advocated with but little doubt of success through the Lecompton, or Administration, Legislature, and that this gave them a definite legal status, their ranks steadily grew weaker; till in May, 1859, a second Big Springs Convention showed conclusively that they had lost their hold on popular interest. The last meeting of the Legislature was in March, 1858. Not enough members were present to form a quorum.

86. *The Lecompton Constitution.*—During the last session of the Territorial Legislature before the Free-state men came into power, steps were taken to secure, if possible, the admission of the Territory under a Pro-slavery Constitution. The Convention met in September, 1857, and was composed entirely of Pro-slavery men—their opponents having refused to take any part. The Constiti-

tution asserted that "the right of property is before and higher than any Constitutional sanction," and "the right of the owner . . . to a slave . . . is the same and as inviolable as the right of the owner of any property whatever." Suffrage was extended to "every male citizen of the United States"—meaning to limit citizenship of the Union to whites. "Free negroes shall not be permitted to live in this State under any circumstances." The Legislature was to have no power to emancipate slaves without consent of the owners, and then only on full compensation. The word "freeman" was substituted for the word "person" in the usual Bill of Rights. No amendment to the Constitution adverse to slavery could be made.

Before the day appointed for the election on this Constitution, it became evident that the Free-state men were in the majority in the Territory. They had already secured possession of the Territorial Legislature. But so determined were they in their policy of refusing all recognition of the bogus Legislature, and so much did they still fear invasion, that they very generally refrained from voting on this Constitution. Of course, the Pro-slavery men carried the day, and by a majority of 5500 votes. More than a third of the entire ballot was fraudulent.

But the better class of Democrats now joined with the Free-state men in denouncing the Constitution; and even the State officers elected under it signed a memorial to Congress asking it to refuse to admit the Territory under such an organization. In January, 1858, it was again submitted to the people, and buried under a majority of more than 10,000.

The more radical Pro-slavery members of Congress insisted on offering it, and the result was a sharp conflict, ending with a compromise bill, offered by Wm. H. English, of Indiana. This virtually sent the Constitution

back to the people once more, with the threat that if not adopted they must wait for 93,000 population before admission. This was known as the "English Swindle," or "Lecompton Junior." It was re-submitted in August, and in a general vote was buried under nearly 10,000 majority, with no hope of a resurrection. This ended the struggle to make Kansas a slave State.

87. *The Leavenworth Constitution.*—Before all this came about, however, the Free-state men were anxiously looking for something with which to supplant it. The Topeka Constitution was, for reasons already given, a poor weapon with which to go into the fight. They must have something by which to beat back all attempts to conquer the State under the Lecompton Act. If Congress betrayed them, then they would put an independent organization in force, and appeal to the people. With this thought in mind a Constitutional Convention was called by the Territorial Legislature—now in the hands of the Free-state men.

It met at Minneola, in March, 1858. There was much ill-feeling about the location—said to have been chosen as the site of the Capitol through the influence of certain landowners and lot-bribes; and the Convention at once adjourned to the city from which it takes its name. The work was speedily accomplished—the Assembly adopting the Topeka Constitution with a few changes, but these important. Opposed to the words and interpretation of "all freemen" in the Lecompton Constitution, stood the assertion "the right of all men to control their persons exists prior to law and is inalienable." Slavery was expressly prohibited. The franchise clause was identical with that of the Lecompton Constitution, but the meaning was far different—the thought being that every man born on our soil is an American citizen.

The Constitution was adopted in May, but with the defeat of the Lecompton measure ceased to have any cause for being, and the movement was quietly dropped.

88. The Wyandotte Constitution.—The Territory would have been a State some years earlier than the date of its final admission, but for the make-up of the United States Senate. The opposition there steadily denied its petition. But the successful organization of the National Republican party, and the rapid change in public sentiment, again made success seem possible; and on July 5th, 1859, the delegates to the Wyandotte Convention assembled.

The members of the Topeka and Leavenworth Conventions were largely prominent Free-state men. But at the last Convention it was noticed that nearly all the pioneers were absent. The men who were to bring the Territory into the Union at last, were very generally young men and quite as noticeably new-comers. More than two-thirds were under thirty-five years of age, more than one-third under thirty, and less than one-third over forty. One-half had been in the Territory less than two years, and very few had previously represented the people in any assembly. But there was less jealousy, less wrangling, and more work. On the 29th, the Convention adjourned.

Some important features of this Constitution connect it with this narrative, and deserve especial mention. Slavery was prohibited. Suffrage was restricted to white males, with the usual limit as to age. The Convention rejected a proposition to exclude free negroes from the State. It will be seen that a conservative temper prevailed. The Constitution of Ohio was selected as a model; but the changes and adaptations showed much originality and strength.

89. Conclusion.—The Constitution was adopted, by a vote of 10,000 to 5,000, early in October of the same year. Two months later came the election of State officers, Gov. Robinson again heading the successful ticket. But public affairs were destined to remain a year longer in the hands of the Territorial Legislature. Not till the shadows of civil war darkened the land, and the Senators from the South abandoned their seats at Washington to strike at the Government which had protected and cherished them, was the oft-repeated request granted. On January 21st, 1861, with the cloud that had obscured its own horizon now covering the entire sky, and with the roar of the approaching storm distinctly heard, the long-tried Territory realized that for which men had endured privation, suffering, and death, and became A FREE STATE.

GOD SAVE THE COMMONWEALTH!

Review Questions.

- 1.** What is the geographical position of Kansas? What is its area? Describe its system of water-courses. Describe its surface. What are its principal products? Name its leading cities. Why is its history of peculiar interest?
- 2.** When and where was slave-labor introduced into the United States? What was the feeling about slavery at the time of the Revolution? How does the Constitution recognize slavery? What were the terms of the first fugitive-slave law? What invention helped to strengthen slavery, and how? What was the work of the Colonization Society? What was the Missouri Compromise? What was the purpose of the Wilmot Proviso? Give the terms of the Compromise of 1850. State the early occupation of Kansas.
- 3.** What was the doctrine called "Squatter Sovereignty"? What two parties arose under this doctrine? State the preparations

made to control Kansas. Where, when, and by whom was the first Free-state settlement made? Name and describe the first newspapers. Which party carried the first election, and how?

4. Describe the election in the spring of 1855. What was the first personal outrage springing from political motives only? What were the Bogus Laws, and under what circumstances were they enacted? Where was the Territorial capital? Where was the first Free-state Convention held, and with what result? Where was the first Constitutional Convention held, and what was done? Name the leaders in this. Give the causes and events of the Wakarusa war.

5. What outrages occurred in the early part of 1856? Describe the sacking of Lawrence. What was the Pottawatomie massacre? Where and when was fought the first pitched battle on Kansas soil? Who dispersed the Free-state Legislature, and why? What town was entirely destroyed in this year, and by whom? Who was the third Governor, and what was his character? What was his work, and what were its results?

6. What town was the center of the struggle in the southern part of the Territory? Describe the land troubles. Who was the Free-state leader in the South? What were his followers called? Give an account of the Trading Post massacre. Describe the subsequent troubles at and around Fort Scott.

7. What were the changes in 1857 which favored the Free-state party? Name the Constitutions of Kansas. Who favored the Topeka Constitution, and how long? State the provisions of the Lecompton Constitution respecting slavery. What became of this Constitution? Why was the Leavenworth Constitution adopted? How did it treat the question of slavery? Why was it not put in force? When and where was the Constitution drawn under which Kansas became a State? Describe the members of this Convention. What was its attitude towards slavery? When was Kansas admitted to the Union? Why was it not admitted sooner? Who was the first Governor, and what had been his connection with the history of the Territory?

LOCAL GOVERNMENT IN KANSAS.

JAMES H. CANFIELD.

*"Of all systems of government * * * it may be asserted without fear of contradiction, that the most difficult to establish and render effective, * * * the one which evidently requires the greatest maturity of reason, of morality, of civilization, in the society to which it is applied, * * * is the federative system of the United States of America."*—GUIZOT.

PREFATORY NOTE.

THIS little volume endeavors to secure practical results with the utmost simplicity and directness of statement. To be successfully used, it must be regarded as one of those "thin" books which are necessarily supplemented by earnest and competent instruction. It is a book of texts—as every true text-book should be.

Such matters as are peculiarly liable to change have been avoided, or touched as lightly as possible; the intention being to sketch the groundwork only—that which may be regarded as reasonably permanent.

In order to prevent possible confusion by reason of too many details, and to place the remuneration for public service where it belongs—subordinate to the service itself—no definite salaries have been stated.

As far as it has seemed desirable, the language of the statutes has been used.

As the purpose of the work is simply to report the present facts of local government, there is very little criticism; very few words as to what such government ought to be. Such criticism and discussion might be very properly considered out of place in the common schools of the State.

Suggestions that look to improvements or corrections in future editions will be welcomed. The appreciation of those received during the past four years is shown by their appearance in this revision.

As there was but one motive in undertaking the task of preparing this manual, so there should be but one in using it—an earnest desire to advance good citizenship in this imperial Commonwealth.

J. H. C.

LAWRENCE, May, 1889.

In issuing a Revised Edition of this work, the publishers would state that the entire book has been carefully revised, with the author's consent, by JUDGE W. C. WEBB, of Topeka, who has incorporated the changes rendered necessary by recent legislative enactments, thus bringing it down to the present time. A few other corrections have been made, and some omissions supplied. It is believed the matters stated in the book are reliable, and in entire harmony with the author's purpose.

PHILADELPHIA, May, 1894.

INTRODUCTION.

THERE are two great principles which may be called the corner-stones on which our Government—National, State, and local—rests. These are—

1. The active and intelligent participation of each citizen in political affairs;
2. Office is a trust, and public officers are the servants of the people; responsible to the people for the proper discharge of every duty.

With regard to the first, some one has well said that the public business of America is the private business of every citizen. This fact should never be forgotten. We acknowledge no king, we have no governing class. All power is with the people. Those who neglect to exercise this power really have no share in the Government. They are disfranchised by their own act. Those who do not exercise this power intelligently soon come under the control of the cunning and the crafty. In either case there is only a pretense of self-government, and there is ever-increasing danger that even the pretense may come to an end.

The second principle, expressed in the plainest terms, would be: every public officer, from President down, is simply a “hired man.” His first and best efforts are due to those who hire him. No business of his own may interfere with his work for his employers. This is measurably true of a legislator also. In certain general questions he may act according to his best judgment, but always following the wishes of his constituents as far as he understands them. On specific issues he must do their bidding exactly, or give place to some one who will do so. To determine whether an official, or a legislator, is a worthy servant, one to be hired again, the people must know what to expect of him, must understand his duties, and must be able to decide how he has discharged them. Here is another demand for popular intelligence in public affairs.

The great mass of our voters are plain, hard-working men. Most of them toil daily with their hands for bread. All the machinery of state, therefore, should be as simple as possible, that public affairs may be easily understood by all citizens. If any action on the part of the Government is so complicated that very few people can comprehend it, there is great danger that some one is making use of our ignorance to his own advantage. This is not necessarily true in every case, but is so often true that we cannot afford to take any chances. But no Government can be carried on intelligently, if it must be kept within the comprehension of ignorant people. It is therefore the duty of every citizen to seek all possible information on public questions, that the line of government may rise. This is why we have public schools, and why instruction is given in United States History and in the Constitution of the United States. But we have thus far forgotten that local government is just as important as national government; that it touches our daily lives and personal affairs even more closely than the latter does; and that only when our local business is well cared for, can we hope to have a wise administration of the affairs of the nation. Moreover, if we understand our local affairs, we much more easily comprehend what is going on in the nation. To extend this knowledge of home government is the purpose of this little book.

Our experiment in free government depends for its success on our being an enlightened, unselfish, far-sighted people. Just as these foundation qualities are either weak or wanting, the building is unstable, and disaster is more or less imminent. If we ever reach a time when ignorant, selfish, and present-policy men are permanently in the majority, the building will fall.

If this nation is to stand for all time, growing purer and stronger and more worthy of the admiration of the whole civilized world, it must become and remain, in the very broadest and best sense of the words, "A government of the people, by the people, and for the people."

LOCAL GOVERNMENT IN KANSAS.

THE SCHOOL DISTRICT.

1. *Prelude.*—The State establishes free schools for the sake of securing good citizens. No one can be a good citizen unless he has a fair understanding, at least, of the workings of his own government—the machinery of public affairs. Only as this runs smoothly, continuously, and with the least possible friction, is it of much real value to those in whose daily lives it necessarily plays such an important part. In a free government like our own, offices are filled—sometimes, it must be confessed, in a rather hap-hazard way—by persons chosen from the people and by the people. Hence, it is peculiarly necessary that every one, whether he serves or determines who shall serve, shall possess a fair degree of knowledge of the duties and responsibilities of the positions which he may be asked to fill, or in which he places his neighbors and friends. Without such knowledge, the civil service would soon become both inefficient and corrupt. In securing this necessary information, it is best to begin at home; with that in which we are naturally most interested. This will be the School District.

2. *The School District.*—One of the smallest civil divisions which the State recognizes is the School Dis-

trict. This is created by an officer known as the County Superintendent of Public Instruction. He has authority to divide the county into a convenient number of School Districts, and to make any changes in the boundaries of these that the interests of the inhabitants may require.¹ But there must never be less than fifteen persons of school age, *i. e.*, over five and under twenty-one years, in each District when created or changed; nor can a District be so changed as to make the amount of its bonds, if any have been issued, exceed five per cent. of the valuation of all property on the tax-rolls. The Superintendent must give due public notice of his intention to either create or change a District; and any one who is not satisfied with this action may state the facts to the Board of County Commissioners,¹ and ask them to interfere.

3. Organization.—The District is said to be organized when its first officers have been elected and have qualified; which means, have done all that the law requires them to do before entering upon the actual discharge of the duties of their offices. When duly organized, the District has a legal name: School District No. — (such a number as may be given it by the County Superintendent), — County, State of Kansas. By this name it is known in the courts, if it is ever sued or ever brings a suit; and this is the name which appears in all contracts or bonds, and in all deeds of real estate.

4. Annual Meetings.—The regular annual meeting of each District is held at the school-house, on the last Thursday in July, at two o'clock in the afternoon. At this meeting, each male to whom the State Constitution gives

¹ See paragraph 45 in chapter on County and County Officers.

the right to vote,¹ and each female over the age of twenty-one, and not disqualified,² is entitled to vote. The general business of the meeting is to elect a Director, Clerk, or Treasurer; to vote the annual tax with which to meet current expenses; to determine the length of time the school shall be taught, which shall not be less than three months; and whether a male or a female teacher shall be employed.³

5. Officers and their Duties.—The officers have been already named. One only is elected each year, and holds office for three years. Each takes the usual oath of office;⁴ and the Treasurer must give a bond, to be approved by the Director and Clerk, in double the amount of the funds which will probably come into his hands.

¹ He must be at least twenty-one years of age; a citizen of the United States, or, if foreign born, must have at least declared his intention to become a citizen; and must have resided in Kansas six months, and in the township (or district) at least thirty days, next preceding the election.

² The same limitations as are placed on males; chiefly, when under guardianship, of unsound mind, if ever convicted of felony, or guilty of taking a bribe, or of fighting a duel.

³ Of course, *all* that may be done at such a meeting is not given. That would be as impossible as to give all the powers and duties of a public officer. The compiled laws of the State will always furnish explicit details; but one of the best ways of getting information is by personal observation and inquiry. Scholars should be encouraged to attend the annual meeting, and note carefully all that is done there. A report should then be made to the school, and some time given to inquiry and discussion. Public officers might be questioned as to their duties and methods, and the results detailed to the school. Public affairs should be studied just as men study any trade or calling; not theoretically, but practically.

⁴ I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Kansas, and faithfully discharge the duties of the office of _____. So help me God.

6. The three officers constitute the *District Board*; and to this is given general charge of all District affairs. It levies the annual tax; has the care and keeping of the school-house, and of all other property belonging to the District; hires the teachers; decides what text-books shall be used; can suspend any pupil guilty of immorality, or of persistent violations of any of the regulations of the school;¹ and must visit the school at least once each term.

7. Besides these general duties, each member of the Board has special work to do. The *Director* presides at all District meetings; must sign all orders drawn by the Clerk, or they are not valid; and appears for the District in all cases in court, unless the voters otherwise direct. The *Treasurer* receives all school moneys from the County Treasurer, as all taxes are collected through the latter, and pays these out on order of the Clerk and Director; keeping such accounts of these transactions as will enable him to present a detailed report at each annual meeting. The *Clerk* keeps a record of all the school matters in the District. He draws all orders for payments of salaries and current expenses; makes a detailed report at each annual meeting, covering all the statistics of the school year;² makes all the necessary reports to the County Superintendent; and acts as the Secretary of the District Board and of all District meetings.

¹ Such suspension is limited in time to the current quarter in which it is made, and an appeal may be taken to the County Superintendent.

² Such as number of children of school age; number in attendance; length of the school term; receipts and disbursements, etc.

8. General Provisions.—Sometimes it becomes necessary to form a District lying partly in two or more counties. This is called a *Joint District*. Sometimes two or more Districts unite for the purpose of securing a graded school for instruction in the higher branches. This is known as a *Union District*. In each of these Districts the government is substantially the same as that of an ordinary District. When a *Joint District* is formed of territory lying in two or more counties, it is formed by the concurrent action of all the county superintendents concerned, and cannot be altered without their joint consent. Such District is under the supervision of the superintendent of the county in which lies the largest amount of territory embraced in the District.

9. Every child between the ages of eight and fourteen years is required by law to be in some school, public or private, for not less than twelve weeks in each year, unless excused by the District Board for good cause shown. It is the duty of the Director to enforce this *Compulsory Law*, and to see that all violations of it are punished.

10. Any School District in the State may, at its annual meeting, vote a small tax¹ for the purpose of securing a *school library*. The Clerk is Librarian by virtue of his office, unless the Board appoints some one else.

11. Any District may, at its annual meeting, vote on the question of uniformity of text-books in the common schools of the county. If the majority of the School Dis-

¹ Not more than \$40, if the taxable property in the district does not exceed \$20,000; \$20,000-\$30,000, not more than \$45; \$30,000-\$50,000, not more than \$50; \$50,000 and upwards, not more than one-half mill on the dollar.

tricts in any county vote for county uniformity, then the County Superintendent calls for the election of one delegate from each township, which delegates constitute the County Text-book Board. It is their duty to select and prescribe the text-books to be used in the schools of the county. When this selection has once been made, the list cannot be changed for five years.¹

12. Conclusion.—It will be readily seen that the government of the School District is very simple. If thoughtful, experienced, energetic men are placed in office, it is not at all difficult to have good schools. The services of the District Board must be rendered gratuitously ; yet this is no more than men should gladly undertake as their share of the public burden. It is peculiarly necessary that the members of the Board be men who take a deep and intelligent interest in school affairs. Above all, they should be men who have no unworthy personal ambitions to gratify, no prejudices, and no pets. In their election, party lines should be entirely forgotten ; the aim of all good citizens being to secure the very best man for each place.

¹ School bonds, for the purpose of erecting or purchasing the school buildings necessary for a District, may be issued by the District Board as follows: The District must have been organized at least one year ; there must be at least fifteen persons between the ages of five and twenty-one years actually residing in the District ; at least one-third of the qualified electors of the District must petition the Board for a special election on the question of issuing the bonds ; the majority of qualified electors (including women) must at this election vote in favor of issuing the bonds ; each bond must be for not less than one hundred nor more than five hundred dollars, must be signed by the director and countersigned by the clerk, must be registered with the county clerk, and must not be sold at or below par until offered to the commissioners of the State permanent school fund or to the loan commissioner of the State Agricultural College.

THE TOWNSHIP.

13. *Prelude.*—As soon as it was determined to open for settlement the territory which is now Kansas, the United States Government, by its survey,¹ divided the land into squares of six miles on each side, which were subdivided into thirty-six tracts, each containing one square mile. These latter were called sections, and each larger square—thirty-six square miles—was called a township. These divisions were made for the purpose of giving definite boundaries to the lands when sold.

14. The settlers found this method of division very accurate and very convenient, and have generally retained it in civil affairs. A municipal or civil township, therefore, is usually a square of land, six miles on each side.

15. In New England, the organization of each township is so complete, and its local government is so independent, that it has been said that if the National and State governments were destroyed, and all their officers removed, all local affairs would go on much as usual. In the Southern States the county system prevails; and the township, as a unit of government, is scarcely known. The Western States have very generally adopted what is known as the compromise system, in which municipal townships are granted many rights and privileges, but are, in a measure, subordinate to the county. In this State, nearly all local government is entrusted to cities, townships (under the compromise plan), and school districts.

¹ For further details, see chapter on Land Surveys.

16. Organization.—Each county, when organized, is divided by the County Commissioners into suitable and convenient civil townships; and the Commissioners have power to organize new civil townships, on proper petition from the citizens of such townships, and after due notice of their proposed action. Each township thus organized becomes a body corporate,¹ or legal person, and, as such, may appear under its own proper name in suits to which it is a party, and may make all contracts that are necessary and convenient for the exercise of its corporate powers.

17. Elections.—The annual township election is held on the Tuesday next succeeding the first Monday in November, in each year. Unless divided by law, each township constitutes an election district, with one polling-place, or place where votes may be cast. The Australian Ballot Law,² so called, provides that the Township Trustee, at least five days before the day of any election, shall appoint three judges and two clerks, who shall be of opposite political parties, and from the parties polling the greatest number of votes at the last preceding general election. These officers must qualify at least one day before the day

¹ Counties, townships, and cities are called public, or *municipal*, corporations. School districts are called *quasi* corporations.

² Former editions of this work contained at this place a full statement of the manner of conducting elections according to the laws then in force; but much of this was changed by the act known as the "Australian Ballot Law," which took effect in April, 1893. This new law will be found in the Session Laws of 1893, as Chapter 78, page 106. It is too long, and contains too many details, to be fully stated in this work. It ought, however, to be carefully read and studied by every one who desires to vote, or who wishes to maintain the purity of our elections. A few features of the act must suffice for our present purpose.

of election. If any of said judges or clerks become disqualified to act, or fail or refuse to appear and serve at the proper time and place, the electors present shall select from their number *viva voce* proper persons from the different political parties to fill such vacancies. On the morning of election day the election officers carry the ballot-box, and a copy of the Compiled Laws, to the polling-place. At eight o'clock the polls are declared to be open; that is, the judges will then begin to receive votes. Every male person possessing the qualifications prescribed by the State Constitution is entitled to vote.¹

Under the Australian Ballot Law, all ballots cast in elections for national, state, district, and county officers, and all ballots cast in township and city elections, are printed and distributed at the expense of the county, except those cast in cities at elections held for city purposes, which are paid for by the city. The names of all candidates for offices to be filled at the same election must be printed on the same ballot. Certificates of nomination, or nomination papers, for all candidates for office, whether nominated by conventions or becoming candidates at the instance of individual citizens, must be filed as follows: for State officers, and officers for districts greater than a single county, with the Secretary of State; for city officers, with the city clerk; for all other officers, with the county clerk. Full provisions are also made for ballots for other propositions, as voting for bonds, and the like.²

¹ For qualifications and disabilities of voters, see Constitution of the State of Kansas, Article V., page 154.

Sections 5 to 9 of the law relate to nominations, certificates, and filing the same. Section 10 relates to "objections," which may be made before ballots are printed. Sections 11 to 17 relate to the form

All persons in the service or employment of any person, company, or corporation have the absolute right to two hours on election-day to attend the election, without any deduction of wages. The judges and clerks of the election make returns to the county clerk, under the general election law, of the ballots, and one copy of the poll-books. Electioneering within one hundred feet of any polling-place, and any interference with or hindrance of any elector, are forbidden under penalties. Other sections of the present law prescribe penalties for willful destruction of ballots, or any frauds or willful neglect of duty on the part of any officer or other person respecting any duty under the election law.

Another act was passed by the legislature at the session of 1893 to prevent "corrupt practices at elections."¹ This act prohibits all bribery or purchase of votes, and other corrupt practices, on the part of candidates or their friends. It also requires every person who is a candidate for office at any election to file with the county clerk, under oath, and within thirty days after the election, a detailed statement of all moneys loaned, expended, paid, or promised to be paid by him, or by any one for him, to secure or further his election. Similar statements are required from members of any club or organization who shall receive or disburse any money for election purposes.

of ballots, printing them, furnishing them to election officers, and the manner in which they are to be supplied to and used by electors. Sections 18 to 23 relate to the conduct of elections, to the voting booths, and to the marking of his ballot by the voter. Section 25 relates to the counting of the ballots after the polls are closed, the declaration of the number cast for each candidate, and the preservation of the ballots.

¹ Chapter 77, Laws of 1893, page 101.

18. Officers.—At each annual election the following township officers are chosen: a Trustee, a Clerk, a Treasurer, a Road Overseer for each Road District in the township, and as many Constables as there are Justices of the Peace. At each alternate annual election there are chosen, in addition to the officers already named, the Justices of the Peace to which the township is entitled—not less than two. These Justices hold office for two years; all other township officers for one year. All officers take the usual oath of office before entering upon their duties; and the Clerk, the Treasurer, the Road Overseers, the Justices, and the Constables give bonds. The Trustee, the Clerk, and the Treasurer constitute an *Auditing Board*, and no bill or claim against the township can be paid until allowed by such board.

19. The Trustee is a sort of general superintendent of township affairs. He determines the number and extent of the Road Districts, looks after the general pecuniary concerns of the township, is one of the judges of elections, has charge of the poor, contracts for the building of bridges, is the township assessor for the purposes of taxation, and, with the consent of the County Commissioners, levies the tax for township, road, and other purposes.¹ For his service as assessor, but for none other except as hereinafter specified, the law entitles him to receive pay.

20. The Clerk has charge of all records, books, and papers of the township, where no other provision is made by law. All these books and records, as well as those in

¹ Such as for payment of interest or principal of township bonds.

the custody of any other public officer, are always open to public inspection.

21. *The Treasurer* receives and pays out the moneys that may lawfully pass through his hands, under the general supervision of the Trustee and on order issued by him on claims and bills allowed by the Auditing Board. He must keep a true account of all receipts and payments, in books provided for the purpose.

22. These three officers constitute the *Board of Commissioners of Highways* as well as the *Auditing Board* for each township. The Trustee is chairman of this Board, and the Clerk is secretary. It meets on the second Saturday after the township election, and on the last Monday of April, July, October, and January in each year. It has general supervision of all roads and bridges in the township; and, to make this work more efficient, it is authorized to employ a general Superintendent. The statute expressly enjoins the making of permanent roads¹ wherever this is practicable; which is a long step in advance in this matter.

23. The accounts of all township officers must be presented to the Auditing Board for inspection and approval. These officers, when serving on this Board, are entitled to pay.

24. The same officers are the *Fence-Viewers* in the township; that is, they determine whether the fences answer the requirements of the law. For each day they are engaged in this work they are entitled to pay.

¹ That is, made with gravel, or macadamized, and well drained, etc.

25. *The Road Overseer* must inspect all bridges in his district and see that they are either safe for travel or are closed ; he must carry out proper measures to prevent the spread of prairie fires ; and he has general supervision of opening and keeping in good order all roads¹ under his care. He receives pay for his services, but not for more than fifteen days' work in each year.

26. *Constables* are the usual officers of the Justices' Courts. They may serve all papers issued by the court (and so may sheriff's), and they have general police power in the preservation of order, can act anywhere within the county in which they are elected, and can at any time call on citizens for help in enforcing the law. Their fees are determined by law, and vary in accordance with the service rendered.

27. *Justices of the Peace* are, as the name implies, peace officers and judges in minor matters, both civil and criminal. Every Justice of the Peace must hold his office in the township in and for which he was elected. To give him the right to act, the case must arise in the county in which he was elected. In civil actions, except replevin and trespass, he can act if the amount sought does not exceed three hundred dollars. In suits for trespass, and in actions of replevin, a Justice has jurisdiction only

¹ Public highways, established under the statute. These are secured by petition to the County Commissioners, are generally located on section lines, and are not more than eighty nor less than forty feet wide, except in certain emergencies. The County Commissioners have power to improve roads whenever a majority of the landowners residing within half a mile on either side of the road, and between the terminal points mentioned in the petition, request such improvement. The expense is assessed on the tracts of land benefited.

where the damages or the property and damages claimed do not exceed one hundred dollars. He cannot act at all in a case where the title of land comes in question. Justices may try any person for a misdemeanor (*i. e.*, an offense not punishable by death or by confinement and hard labor in the penitentiary) in all cases in which the fine cannot exceed five hundred dollars and the imprisonment in the county jail cannot exceed one year. They may perform the marriage ceremony. They keep a detailed record of all their proceedings in a book called a docket. For all services they are paid certain fees, determined by law.

In all civil cases tried in a Justice's court, either party may demand a jury. This is composed of six men, unless the parties agree on a smaller number. In criminal trials for misdemeanors a jury of twelve men may be called either by the complainant or the defendant. If no jury is called, the Justice may try the case.¹

28. Conclusion.—The duties of township officers are not very burdensome; but they call for integrity, tact, and shrewd common sense. It is not easy to understand why partisanship should have any weight whatever in the choice of these public servants. The best conduct of public affairs is all that is sought, and good citizens should be content with nothing short of this.

29. It is not difficult to see that with the district and township governments alone, very much could be accomplished. With good schools, good roads, efficient peace officers, and courts in which may be tried by far the greater number of disputes and misunderstandings, the community can thrive and dwell in almost unbroken peace.

¹ See chapter on Judiciary.

Within these limits men feel the direct results of the machinery of government which they set in motion. Beyond these, the impression is but slight, decreasing in intensity through the county and the State,¹ and for the great mass of men almost entirely dying out before the General Government is reached.

30. To these home matters, therefore, should be given most careful thought, and most prompt, efficient, and independent action.

THE COUNTY.

31. *Prelude.*—The first Territorial Legislature, in 1855, established twenty counties; that is, defined their boundaries. To these twelve more were added before the admission of the Territory as a State. Others have been established at different sessions of the State Legislature;²

¹ A striking illustration of this is to be found in a comparison of officials, as follows:

Officers in School Districts number about.....	27,000
" Townships number about.....	11,000
" Counties number about.....	1,400
" Cities, excluding Councilmen, about.....	900
" State, including Supreme Court and District Judges, but excluding Legislature, about....	65

Again, the tax levied for the payment of all the expenses of the State government, including the support of all State institutions, is only about one-eighth of the entire amount of taxes levied and collected in Kansas each year.

² The number of counties in 1889 was one hundred and six. Garfield County was disorganized in 1893, leaving at present one hundred and five counties, all organized for county purposes.

and some old counties have been divided, the early name has been dropped, and new names have been given to the reorganized portions. By a special statute, boundaries may be changed by a majority vote of the electors of the counties interested; but no county shall have an area of less than four hundred and thirty-two square miles.

32. Organization.—County organization usually took place under general laws (see paragraphs 1577 to 1593, both inclusive, of General Statutes of 1889); but some counties were and new counties may be organized under the particular provisions of the laws creating them. It is not necessary to consider these provisions here. Counties may be divided and new counties created by the Legislature at its pleasure, subject only to the constitutional requirement that no county can be created having less than four hundred and thirty-two square miles, nor reduced below such area.

33. The county-town, or *county-seat*—*i. e.*, the place where county offices are located—is determined by a vote of the electors of the county. As in the case of the township, each county is a body corporate and politic; that is, is a legal person; and as such can sue and be sued, make contracts, and hold real estate.

34. Elections.—County elections occur on the Tuesday next succeeding the first Monday in November of each year; but not for the same officers each time. In each “even” year we vote for members of the Legislature (or Representatives), a Probate Judge, a Clerk of the District Court, a Superintendent of Public Instruction, one Commissioner, and a County Attorney. Once in four years, in what is called the presidential year, we add to these a State Senator. In the “odd” years there are elected one

Commissioner, a Sheriff, a County Clerk, a Treasurer, a Register of Deeds, a Surveyor, and a Coroner. These elections are announced, or "proclaimed," by the Sheriff at least ten days before they occur. The voting is done in election districts, which are townships, unless otherwise determined by law, and in city wards. All county officers enter upon the discharge of their duties on the second Monday of January next after election, except the Treasurer, whose term begins on the second Tuesday of October next after his election; and all give bonds. Senators and Representatives never give bonds.

35. Officers.—The *County Commissioners* stand in much the same relation to the county that the Director does to the school district, or the Trustee to the township. Although *county* officers, the Commissioners are elected from separate districts, by the electors of such districts respectively. They are the representatives of the county, the general agents of the county, the county executive. All county property is in their care; they examine and settle all accounts of the receipts and expenditures of the county; they apportion and order the levy of taxes; they lay out, alter, or discontinue roads;¹ they set off and organize townships, and change their boundaries; they canvass the votes for the respective county and township officers, and determine the results of such elections; they canvass the votes for State and district officers, for members of the State Legislature, for members of Congress, and for Presidential electors, and such canvass is certified to the Secretary of State. They have powers necessary to meet the requirements of county business in all cases where no other

¹ See note, page 65.

provision is made by law. Their term of office is for three years, and is so arranged that one Commissioner is elected each year. This always leaves two of the Board—a majority—who have some acquaintance with county business; a very wise provision. Their compensation is by the day, for actual service required and rendered; the total number of days being regulated by statute with reference to the population of the county, this being thought the most practicable way of estimating the probable business of the county.

36. The *County Clerk* is the Secretary of the Board of County Commissioners, and is custodian of their records and papers and the seal of the county. He keeps a full set of accounts of the receipts and expenditures of the county, and of the business of his county with all county, township, district, and other officers. These are especially designed as a check on the Treasurer's accounts, and as a test of their accuracy. This includes, of course, the complete tax-rolls, and all the proceedings connected with the levy and collection of taxes. He makes a complete and detailed report to the State Auditor every year of the financial condition of the county. In return for his services he receives a salary, varying according to the population of the county.

37. The *County Treasurer* has charge of the money of the county. Everything due the county is paid to him, and all expenditures pass through his hand. He is the collector of all taxes; and therefore must open accounts with all cities, townships, and school districts in his county. He makes full reports to and settlements with the County Commissioners once in each year; and once

each quarter the Probate Judge and two citizens appointed by the Commissioners enter the office, without previous notice, and examine the books and count the funds in the Treasurer's hands.

38. The *Register of Deeds* has care of the various records affecting title to land. All deeds, mortgages, maps of towns or villages, and other writings which, under the law, may become a charge on any land, or may assist in determining the ownership of land, are copied by the Register in books prepared for that purpose and kept in his office. These are always open to public inspection, and are carefully and conveniently indexed.

39. The *Sheriff* is the general ministerial officer of the District Court, attending all its sittings; and is the county representative of the executive branch of government. He appoints an under-sheriff, or general deputy, and such deputies as he may think necessary—being himself responsible for the acts of these subordinate officers. He has charge of the county jail, and of all the prisoners kept there. It is his duty to do all in his power to preserve the peace, to suppress all unlawful assemblages, and to make all necessary arrests. Should he need assistance at any time, he is authorized to call to his aid such persons in the county as he may think necessary. This is known as “summoning a posse.” He gives public notice of all elections, attends the drawing of jurors, and summons them when drawn, and in all ways furthers the execution of all laws.

40. It is the duty of the *Coroner* to examine all the circumstances connected with death by unlawful means, or where the cause of the death is unknown. This is called “holding an inquest;” and in the performance of this duty

the Coroner is assisted by six jurymen, summoned by himself. If the jury find that a crime has been committed, the Coroner may issue a warrant for the arrest of the person charged; but the trial of such person is conducted in the usual courts, and in the usual manner. When the Sheriff is a party, or is incompetent to act, the Coroner may serve legal process issued from the District Court. When there is no Coroner, a Justice of the Peace may hold "inquests."

41. The *County Attorney* appears in all the courts of his county, and prosecutes or defends on the part of the people all suits in which the State or his county has an interest. He is the legal adviser of the Board of Commissioners; and it is his duty to inspect personally the jail and its management during each term of court, and make report to the County Commissioners.

42. The *County Surveyor* is entrusted with the lines or boundaries of the various divisions of the county. He subdivides the sections established by the United States Surveyors; re-establishes missing corners or landmarks; surveys the lines of all public roads; and disputes or misunderstandings as to the boundaries of adjoining lands are generally referred to him for settlement; but appeals may be taken from his decision to the District Court.

43. Each county having more than twenty-five thousand inhabitants is entitled to an officer known as the *County Auditor*, who is appointed by the District Court of such county. It is his duty to examine all claims presented against the county and to decide as to their validity; to inspect the accounts of the Treasurer every two months; and to examine the reports and books of the Sheriff and of

the Clerk of the District Court concerning fees and other moneys collected by them. He must publish each month, in the official paper of the county, a complete statement of all the claims which he has allowed.¹

44. The Commissioners in each county constitute the *County Board of Health*. They elect some reputable physician as *County Health Officer*. The county officers and the State Board of Health act together; the former having the same general powers in their respective counties that the latter has in the State.²

45. The *County Superintendent of Public Instruction* has general charge of the educational interests of the county. He divides the county into School Districts, visits the schools, suggests to either teachers or School Boards needed improvements, examines accounts and records connected with school work, encourages the formation of Teachers' Associations, supervises the summer Normal Institutes,³ prepares certain educational statistics and reports these to the State Superintendent of Public Instruction, and decides most of the disputes arising within Districts. Appeals may be taken from his decision to the County Commissioners respecting the formation of districts or the division of property.

Much depends on his character, education, patience, firmness, and industry. The greatest care should be used in selecting this very important public officer, and he should

¹ For duties of the *Clerk of the District Court*, see under the *Judiciary*, par. 124.

² For duties of the *State Board of Health*, see under *State Officers*, par. 90.

³ See under *Higher Education*.

be retained in office as long as he gives satisfaction, or until the people are sure of getting a better servant.

46. The County Superintendent is assisted in the discharge of one portion of his duty by two Examiners, who are appointed by the County Commissioners, and, with the Superintendent, form the *County Board of Examiners*. These persons must hold first-grade or State certificates, or be regular graduates of one of the State institutions of higher learning.

47. *Notaries Public* are appointed by the Governor, in each county. The statute places no limit on their number. Each gives an official bond, which, with his oath of office, is filed with the Clerk of the District Court; and each must have an official seal. They have authority to administer oaths, to take and certify acknowledgment of deeds and of other papers affecting the title to lands, to protest promissory notes for want of payment, to take depositions of witnesses, and to exercise other powers granted by commercial usage.

48. The Legislature divides the State periodically into *Senatorial and Representative Districts*. From the first are chosen the members of the Upper House, and from the last those of the Lower House. The Constitution provides that there shall not be more than forty Senators nor more than one hundred and twenty-five Representatives. Members of the Legislature must be qualified voters of the District for which they are elected, and must reside in that District. No member of Congress nor officer of the United States, and no one convicted of misuse of public funds, is eligible to a seat in the Legislature. The powers

and duties of Senators and Representatives will be given under the legislative branch of the State government.

49. Conclusion —Reviewing the county officers, it will be readily seen that ability, integrity, and efficiency are the chief requisites. The offices are peculiarly positions of trust and practical service in behalf of the entire people. Upright, energetic business men to do the business of the people in an upright and energetic way—that is what is wanted. Mere party prejudices should have no weight whatever; there should be, as in the district or in the township, simply an effort to secure the best man. The only legitimate exception to this may be made in the choice of the members of the Legislature. Since with these lies the choice of United States Senators, and the latter are closely connected with national affairs, there may be some ground for party allegiance in any measure which affects their election.

CITIES.

50. Prelude.—Whenever, for any reason, a large number of people reside within a comparatively limited area, there is need of government differing somewhat from that of a rural district. For instance, where buildings stand close together there is more danger from fire, and hence there must be greater protection against it; the various kinds of waste or refuse from a large population soon contaminate the soil and the natural watercourses, and pure water must be brought into the city; where there are so many people, every man does not know his neighbor and

that neighbor's business, which fact presents constant opportunities for crime, and compels the organization of a police force; the constant passing to and fro of a large population demands good sidewalks. All these, and many others, are necessarily expensive, and require supervision and care; and for this certain officers and general rules must be provided. These constitute city governments, which will not be difficult of explanation, now that the simpler forms of local government have been thoroughly mastered.

51. Classification.—Whenever it is duly ascertained, by any lawful census or enumeration, that any city has a population of over fifteen thousand inhabitants, the fact is certified by the Mayor and Council to the Governor, who thereupon, by public proclamation, declares that to be *a city of the first class*. If the city has more than two thousand inhabitants, and less than fifteen thousand, it is proclaimed *a city of the second class*. Any town or village having not more than two thousand inhabitants, nor less than two hundred and fifty, on due application to the Commissioners of the County in which it is located may be declared *a city of the third class*. In 1889 Kansas had six cities of the first class, forty-six cities of the second class, and seven cities which would be in the second class if they should apply for such recognition. There have been no incorporated "villages" or "towns" in Kansas since 1871.

52. Wards.—Cities of the first class shall have not less than four nor more than six *wards*. These are geographical divisions of the city, each being entitled to representation in the City Council. A city is a public corporation created by statute to transact certain public business in a certain and specified way; and this business is very gen-

erally of such a nature as to give little or no place for polities.

Cities of the second class, having more than four thousand population, shall have not less than four wards. Cities of the third class are not divided into wards.

53. Registration.—To prevent legal electors from voting more than once at the same election, and to prevent persons from voting who are not legally entitled to vote, every person who claims the right to vote, in cities of the first and the second class, is required to give to the City Clerk, prior to the ten days preceding any election, a statement of his name, age, occupation, and place of residence. This registration must be attended to every year, or the citizen loses his vote. Copies of the Clerk's lists are sent to the polls, and no one can vote whose name cannot be found on the list for the ward in which he offers his vote, unless he produces a "certificate of registration" showing that he was in fact duly registered.

In each city where more than six thousand votes are cast at any general election, registration and elections are in charge of a *Commissioner of Elections*, appointed by the Governor. If the Metropolitan Police Law is in force in that city, the Board of Police Commissioners acts in connection with the Commissioner of Elections.

54. Elections.—Elections are held on the first Tuesday in April. In cities of the first class, the Mayor and the Police Judge¹ are elected in the "odd" years, by vote of all citizens. Each ward is entitled to two Councilmen. The Councilmen and members of the Board of Education

¹ In cities governed by the Metropolitan Police Law the Police Commissioners *appoint* the Police Judge.

are elected in alternate years. In cities of the second class, the officers elected in the "odd" years are the Mayor, Police Judge, Treasurer, Treasurer of Board of Education, and Justices of the Peace.¹ One Councilman in each ward, and members of the Board of Education, are elected annually. In cities of the third class, the Mayor, Police Judge, and Councilmen are elected annually. Officers not elected by the people are appointed by the Mayor and Council.

In all elections for city or school officers, or for the purpose of authorizing the issue of school bonds, women vote, under the same restrictions and qualifications as men, and they are eligible to any city or school office. They are not eligible to the office of Justice of the Peace or of Constable.

55. Government.—The government of a city is in the hands of a Mayor and Common Council, whose legislative acts are called *Ordinances*.

56. Officers.—The *Mayor* corresponds to the township Trustee, and is the general executive of the city, being active and vigilant in enforcing all the laws (ordinances) of the city. He has some special powers; such as that of a veto on all ordinances passed by the Council (which may be passed over the veto by a three-fourths vote); the power to appoint special policemen, to call out the citizens or militia within the city to aid in enforcing the ordinances or to suppress a riot, and to grant reprieves or pardons for all offenses arising under the city laws—but in this last he must have the consent of the Council. In some of these special powers the Mayor's position is something like that of the Governor.

¹ For the purpose of electing Justices of the Peace and Constables, *cities* are declared to be *townships*.

57. The *Police Judge* answers to the township Justice of the Peace, and has exclusive right to hear and determine all cases which arise under the city ordinances. In cities governed by the Metropolitan Police Law, Police Judges may try most of the misdemeanors (or minor criminal offenses) under the State laws. The *Marshal and the police* are his constables; the former having many duties like those of a sheriff.¹

58. The *Clerk, Treasurer, Assessor*,² and *Attorney* perform the customary duties attaching to their offices.

59. The *Weigh-Master* inspects and weighs all hay, grain, and coal, and measures all wood, when these are offered for public sale; and the Council may prescribe rules for the weighing and measuring of every commodity sold in the city; but this is rarely done.

60. The *Market-Master* is an officer almost unknown in Kansas. The office may be created by ordinance, and its duties defined.

61. The City Charter Acts provide for the appointment by the Mayor and Council of any city, or by the Trustee of any township, of an *Inspector of Oils*, who examines all coal,

¹ Unless such action appears to the Governor clearly unnecessary, he must appoint in every city of the first class a *Board of Police Commissioners*, three in number, who shall have entire control of the police force and of police regulations in that city.

If fifty householders of a city of the second class so petition, or if the Governor so directs, the Attorney-General has authority to commence proceedings which will put all the city officials out of office, and the Governor then appoints a Board of Police Commissioners, as above, with the same general powers.

When the Governor thinks there is no further need of this kind of government, a new city election is called by him, and the Police Board is discontinued.

² See under Taxation.

petroleum, or mineral oils offered for sale, and determines their safety. (These provisions are practically repealed or superseded by chapter 180 of the laws of 1889, providing for a *State Inspector of Oils*. See par. 100.)

62. In the *Street Commissioner* we find the Road Overseer, and in the *City Engineer* the official Surveyor.

63. Schools.—For educational purposes the city is treated as one School District, under the general management of a Board of Education. In cities of the first class this consists of three members from each ward—if the city has no more than four wards; but if more than four wards, then two from each ward—one of whom, in each ward, is elected by the citizens at large, annually. In cities of the second class there are two members from each ward, one of whom is chosen annually; but if the city has more than ten thousand inhabitants, then the Board consists of six citizens, two of whom are chosen each year by the citizens at large. The Board may, for the sake of convenience, divide the city into districts; and this is generally done, taking the ward lines as district boundaries. Usually each ward school has its own *Principal*; while over all the Board places a *City Superintendent*. County Superintendents have no jurisdiction within cities of the first or second class. For school purposes, cities of the third class are under the same laws as those which control a country district.

In cities of the first class the schools cannot be kept open for more than nine months in each year; the tax for the support of the schools cannot exceed ten mills on the dollar when the assessed valuation is less than three millions of dollars, and cannot exceed seven mills on the dollar when the valuation is more than three millions.

64. Conclusion.—The real differences between the governments of cities of the several classes are very slight. Cities of the third class have fewer officers, and can be managed at much less expense. Character and competency are almost the only qualities demanded in candidates for city offices. In many Kansas towns party lines have been almost forgotten, and mere partisanship stands a poor chance of success. As cities increase in population, party lines become more manifest, largely because city majorities can be made to control the result of rural elections; but it is the part of true wisdom to repress this tendency as long as possible.

65. There is a common saying that in the United States every city with a population of more than ten thousand is governed by the worst class of its citizens. This is not quite true, but indicates the popular feeling, that there is great danger of its becoming true. The intense business and professional activity in cities, and the many social attractions and opportunities for amusement, tend to make more thoughtful and responsible citizens, those called "the better classes," neglect their political duties. Thus, place and power are secured by those who are unworthy. There is no alternative. Either a city will be governed by the respectable portion of its people, to the exclusion of the mob of idle and vicious persons and those who live by their wits—all of whom drift into cities, because there they can be comparatively lost in the crowd; or the city and the respectable portion of the community will be governed by this mob. Nowhere more than in these large centers of population are there needed constant care and watchfulness on the part of every good citizen.

THE STATE.

66. Organization.—The people of the Territory of Kansas having duly formed and ratified a Constitution (that of Wyandotte) and State Government,—republican in form,—and having asked admission to the Union, Congress, by an act of admission, declared Kansas one of the United States. This act, approved January 29, 1861, defined the boundaries of the State; declared it entitled to one Representative until the next general apportionment of Representatives; gave to the State, for school purposes, sections sixteen and thirty-six in each township of public land; granted seventy-two sections of land for the support of a State University; gave ten sections of land for public buildings; pledged the State five per cent. of all sales of public land in Kansas; and created the State a Judicial District of the United States.

67. Elections.—The election of State officers is held at the time and place of voting for members of the State Legislature, and under the same regulations. Indeed, the names generally appear on the same ticket with the names of candidates for county offices. The vote for State officers, however, is sent by the Clerks of the Canvassing Boards of the several counties to the Secretary of State. The Governor, Secretary of State, Auditor, Treasurer, and Attorney-General constitute the *Board of State Canvassers*, with the same general powers and duties as those of county boards.

68. Officers.—The executive department consists of a Governor, Lieutenant-Governor, Secretary of State, Auditor, Treasurer, Attorney-General, and Superintendent of

Public Instruction. All these are elected by the people, and each holds his office for two years.

69. The *Governor* is the supreme executive of the State, and its general representative in business affairs. He may call an extra session of the Legislature, and may adjourn the Legislature if the two houses cannot agree as to the time for adjournment. In a message sent to the Legislature at the opening of each session, he reports the condition of the State and of its institutions, and recommends appropriate legislation. He transacts nearly all the business of the State with the National Government. Under regulations prescribed by law he has power to pardon those under sentence of law; and a sentence of death cannot be carried out unless he issues a warrant to that effect.¹ The Great Seal of the State is kept in the Governor's office. The Governor is also Commander-in-chief of the militia.²

70. The *Lieutenant-Governor* is, by virtue of his office, President of the Senate. In case of the disability of the Governor, for any reason, the duties and responsibilities of his office devolve on the Lieutenant-Governor; but sickness, or absence from the State, constitutes no such disability.

71. The *Secretary of State* has charge of all books, maps, records, official bonds, and other valuable State papers. In his office are kept all the enrolled bills and resolutions of each Legislature; and he has the care and distribution of the printed laws of the State.

¹ Governors in this State have so very generally refrained from issuing such warrants, that there is practically no death penalty in Kansas.

² See Constitutional Provisions.

72. The duties of a *State Auditor* are those of a chief book-keeper, and somewhat more. He keeps all the accounts of the State; audits all the accounts and salaries of persons who may receive money from the treasury, and issues orders, or warrants, for the payment of these; and he reports to each Legislature a detailed estimate of the necessary expenses of the State until the meeting of the next Legislature. He is also the *Register of the State Land Office*, and has charge of the books in which are preserved the records of the sales of State lands.

73. The *State Treasurer* receives and pays out all the moneys of the State, keeping the usual detailed accounts of the same, and making an explicit report to the Governor once in two years. The Governor, Auditor, and Secretary of State, as an Examining Board, are required to inspect once in each month, without previous notice, all the accounts and funds of the treasury department. Any use whatever of the State funds, in any manner and for any purpose not authorized by law, is made a statutory embezzlement.

74. The *Attorney-General* appears for the State, and prosecutes or defends all actions and proceedings, civil or criminal, in which the State is interested or is a party. He performs this duty in the Supreme Court of the State by virtue of his office, and in any other court on request of the Governor. He gives legal advice to all County Attorneys or other public officers whenever they may apply to him.

75. Under the general superintendence and management of the *State Superintendent of Instruction*¹ are the

¹ The Auditor, Treasurer and Superintendent are each authorized

entire educational interests of Kansas. He distributes the income of the State school-fund to the counties from which proper reports have been received; visits each county at least once in two years; publishes the school laws that are in force; advises with County Superintendents; and reports in detail to the Governor, prior to each session of the Legislature, the condition of educational affairs in the State.

76. The State officers thus far mentioned, except the Lieutenant-Governor, form what is known as the *Executive Council*. This has the care and management of the state-house and of the grounds about it, of the armory, and of all other State property where no other provision is made by law. It elects the three Railroad Commissioners (one each year), annually selects and names the "official State paper," and has many other duties prescribed by the statute.

77. The *Railroad Commissioners* form a Board to which are referred all questions as to freight or passenger charges, the location of depots and side-tracks, and all other claims or questions which may arise under the law regulating railways. A Commissioner's term of office is three years.

78. The Lieutenant-Governor, Secretary of State, Treasurer, Auditor, and Attorney-General are united in a Board known as the *Board of Railroad Assessors*, whose duty it is to assess the property of all railroad corporations in the State for the purposes of taxation.

79. To the Secretary of State, the Superintendent

to appoint a competent and suitable assistant, who shall be known as **Assistant Auditor, Assistant Treasurer, or Assistant Superintendent.**

of Public Instruction, and the Attorney-General, as the *School-Fund Commissioners*, are entrusted the care, management, and investment of the school-fund of the State.

80. Whenever the State incurs a debt, a tax is levied which will pay the interest each year, and also raise, each year, an amount which, when laid by, will equal the principal when the latter comes due. The part laid by each year to pay the principal is called the *Sinking Fund*. This fund may be invested by the Governor, Secretary of State, and State Auditor, who are constituted a board known as the *Sinking-Fund Commissioners*.

81. The *State Agricultural Society* is organized to further the agricultural interests of the State. Every County or District Agricultural Society which shall have made a monthly and detailed report of the condition of crops, of the noxious insects, and of the condition of stock, in its county or district, and shall have furnished such other information as the State Board may require, is entitled to send its President, or some other person, as a delegate to the annual meeting of the society. This is held in Topeka, on the second Wednesday of January in each year, and the usual officers are then elected. The President, Vice-President, Secretary, Treasurer, and five members chosen at the annual meeting, constitute the regular *State Board of Agriculture*. Of this the Governor and Secretary of State are *ex-officio* members.

82. The State Board takes the census (the official numbering of the people), and compiles all statistics and collects all manner of information that may be useful to farmers, or that may prove desirable to those in other States or countries looking for new homes. The

result of their labors is put in the form of a *Biennial Report*, of which several thousand copies are printed for general distribution. The society occupies large rooms in the capitol, where are preserved and displayed specimens of the soils, products, and industries of the State.

83. Closely connected with the agricultural interests of the State is the *Live-Stock Sanitary Commission*. This Board is made up of three persons appointed by the Governor, with the advice and consent of the Senate, and has general oversight of the health of all live-stock in the State. The *State Veterinary Surgeon*, also appointed by the Governor, acts with this commission; the object being to secure the best means of avoiding or limiting contagious diseases in domestic animals.

84. The *Academy of Science* is really a department of the State Board of Agriculture, but with a separate organization and under its own officers. It holds a regular annual meeting, at which the latest discoveries and advancement in science are discussed. The Academy has an office in the agricultural room, in the capitol, and has special duties in the way of collecting and preserving botanical and geological specimens.

85. The *State Horticultural Society* receives support from the State in its work of investigating the various methods in horticulture, and of collecting and disseminating all manner of information that may be useful to fruit-growers. Like the Academy of Science, it is really a department of the State Board of Agriculture.

86. The *State Historical Society* was organized to collect books, maps, public and private letters and documents, reliques, and all and everything relating to the history of

Kansas in particular, and of the West in general. Membership is by election of the society and on payment of certain fees; and the members elect their own officers at the annual meeting. The State provides rooms for the collections, and appropriates certain amounts each legislative session for the current expenses of the society, including the salaries of the Secretary and of his assistants. These are the librarians, and are the custodians of the property of the organization. The expenditures of this fund must be duly reported to the Governor.

87. The *State Board of Education* formerly consisted of the State Superintendent of Public Instruction, the Chancellor of the State University, the President of the State Agricultural College, and the President (or Principal) of the State Normal School. This board was increased in number by chapter 132 of the laws of 1893, which authorizes the Governor, by and with the advice and consent of the Senate, to appoint three additional members, who hold office for the term of two years each. By the provisions of said chapter 132, laws of 1893, the State Board of Education now issues *State Certificates*, valid for three years. Said Board may also issue *Life Certificates*. These are granted on examination to those showing high qualifications as teachers. The Board also prepares the questions used in county examinations of teachers, by which a certain uniformity and high grade of excellence are sought in those receiving county certificates. It determines who may be conductors and instructors in County Normal Institutes, and issues certificates to them. It is generally regarded by the State Superintendent as a sort of advisory council, though it has no such legal position or

duty. The members meet at Topeka on the fourth Monday in August in each year, and at such other times and places as they may deem necessary.

88. Three persons (one of whom must be an attorney) are appointed by the Governor to act as a *Board of Pardons*. All applications for pardons of persons undergoing a sentence of law for any felony must be submitted to this Board, and it has authority to examine the facts in all cases in which it seems a pardon might be granted. The Board meets four times each year, in Topeka; and the members hold office during the pleasure of the Governor. Applications for pardon in cases of misdemeanors are not referred to the Board of Pardons, but no pardon can be legally granted, either in case of felony or of misdemeanor, unless notice of application therefor is first published as required by law.

89. All institutions for the defective classes are under the general control of the *State Board of Trustees of Charitable Institutions*, consisting of five persons, appointed by the Governor. The term of office is three years.

90. Nine physicians, appointed by the Governor, constitute the *State Board of Health*. The term of office is three years, and the holding is so arranged that three members are appointed each year. The annual meeting of the Board is held in Topeka, in June; and quarterly meetings are held there, or elsewhere, as the Board may direct. The Board elects one of its own members as Secretary, who is really the executive of the Board. It has general authority to supervise the health interests of the State. It collects statistics, publishes information, inspects public buildings, can give authoritative directions

and take all necessary precautions in regard to contagious diseases, and devotes its efforts to the general improvement of the sanitary condition of the commonwealth.

91. The *State Medical Examiners* are appointed under a special statute by the Kansas Medical Society (Allopathic), the Eclectic Medical Society of Kansas, and the Homeopathic State Medical Society. All practicing physicians must hold certificates from some one of these Examining Boards. Certain certificates are given to those who hold diplomas from medical colleges ; others, to those who are examined directly by the Boards. These certificates must be recorded with the County Clerk, and no person can practice medicine or surgery until he has received and recorded his certificate. The usual penalties attach to any violation of the act creating the Boards and regulating medical practice.

92. The *State Board of Pharmacy* is composed of five reputable and practicing pharmacists (druggists), appointed by the Governor. The term of office is three years. This Board has general supervision of the practice of pharmacy ; must examine and register all who wish to go into this business, either as druggists or as druggists' clerks ; and issues certificates of competency, or licenses applicants to keep, compound, and sell drugs and medicines. The intention of the law creating this Board was to prevent incompetent persons from dealing in drugs, and to punish the adulteration of medicines and chemicals.

93. A *State Printer* is chosen by the Legislature, who does all the public printing—such as stationery, blanks, reports, etc., for State officers, and most of that required

in State institutions; and whose term of office is two years.

94. By and with the advice and consent of the Senate, the Governor appoints a *Superintendent of Insurance*, who holds his office for four years, and whose duty it is to examine carefully the management and financial condition of each insurance company that wishes to do business in the State. He reports the result of such examinations publicly; and if in any case it is not satisfactory, he has power to revoke the authority by which the company entered the State.

95. The *State Library* is located in the capitol. A *State Librarian* is appointed by the Governor upon the recommendation of the Board of Directors. Said Board consists of the Governor and the Justices of the Supreme Court.

96. The *Commissioner of Labor Statistics* is appointed by the Governor, and holds office two years. He is at the head of the Bureau of Labor and Industrial Statistics, and it is his duty to collect and put in proper form all possible details relating to all kinds of labor in the State; especially the details of the social, educational, and sanitary condition of the laboring classes, and of the manufactures of the State.

97. The *State Mine Inspector* is appointed by the Governor and the Executive Council, under a special statute controlling the operation and safety of mines. He must be at least thirty years old, and have had five years' experience working in and around coal-mines. The term of office is two years. He visits each mine in the State at least twice in each year, to see that every possible precau-

tion is taken against accidents, and that all due regard is paid to the health of the workmen while in the employ of a mining company; and he collects and reports to the Governor all statistics relating to mining in this State.

98. The *Commissioner of Fisheries* is an officer appointed by the Governor, serving two years. His duties are to examine the various rivers, lakes, and streams of the State to learn whether, and how, they can be rendered more productive of fish. He also sees that the special statutes regarding fish are enforced.

99. The Governor appoints a *Commissioner of Forestry*, who holds office two years. It is his duty to establish two experimental stations in forestry of not less than one hundred and sixty acres each, to hold public forestry meetings in different parts of the State, and to secure and disseminate all possible information as to the best methods of planting and growing forest-trees. The experimental stations are in Trego and Ford counties.

100. The *Inspector of Oils* tests all petroleum oils offered for sale in this State, with a view to determining their purity and safety. He is appointed by the Governor, and holds office for two years.

101. The *Silk Commissioner* is appointed by the President and Secretary of the State Board of Agriculture, and holds office for two years. It is his duty to supervise the experiments made in silk-culture at the State *Silk Station*, at Peabody.

102. The Governor appoints an *Adjutant-General of the State Militia*, whose office is at the capitol, and who has general supervision of the organization, equipment, drill, and active services of the militia.

103. The Governor may appoint a *State Agent*, who prosecutes to a final decision, in the proper departments of the National Government, all disputed claims of the State against the United States.

104. Conclusion.—State officers are connected with greater trusts than those committed to lower officials, and are in charge of matters which interest larger circles of citizens. There is need, therefore, of more marked ability and of wider acquaintance with public affairs. While there is little or no difference of opinion as to the general management of the business of the State, there will always be some points of public policy on which men cannot agree. These are the foundations of political parties. Because of the very close relations existing between a State and the nation, and the constant possibility of very desirable results depending on prompt and cordial co-operation and harmony between the Federal or National Government and the respective States, it has seemed proper that an effort should be made to have the State and National Governments under the control of the same party. Sometimes, however, local issues prevent this, and State and National affairs are left in very different hands. In times of peace there is no special danger in this; it is even desirable that home interests should not be overshadowed by those of the nation. There is never a real conflict between the two unless there is a violent sectional feeling in the pursuit of selfish ends on the part of the State, or usurpation of power on the part of the National Government. The remedy for the first is found in the moral and intellectual uplifting of the great mass of the people; for the second, in a more careful selection of our public servants.

No issue, national or local, should ever divert the attention of the people from the one great aim of all political action—good government.

THE LEGISLATURE.¹

105. Prelude.—Kansas has the usual machinery for making laws—two legislative houses, called the House of Representatives and the Senate. Together they form the Legislature, and they are often spoken of as the Upper House and the Lower House. The number of members is regulated by law and conforms to the State Constitution, which provides that the number of Representatives shall never exceed one hundred and twenty-five, nor shall there be more than forty Senators. (See paragraph 48.)

106. Representation.—Members are elected in what are known as Senatorial and Representative Districts, the boundaries of which are determined by the Legislature itself. One member only can be elected from each district; and the citizens of one district cannot vote for members in other districts.

107. The *Senatorial Districts* are made by combining counties, except in the case of counties having unusually large populations, when the county is made the district. This is true of fifteen counties since 1886.

108. The *Representative Districts* are made by combining townships, or wards of cities, or both. Each

¹ See Article 2 of State Constitution, page 147.

organized county casting not less than two hundred and fifty votes at the general election next preceding the apportionment is entitled to at least one Representative. An organized county casting less than two hundred votes is attached to the county east of it, and forms part of such county, for purposes of representation.

Except so far as population controls in a general way, there is no special rule governing the limits or boundaries of Legislative Districts; except that each Representative District must lie wholly in the same county, and except also that the political party in power, when any new districts are to be made, or the boundaries of old ones changed, generally tries to make such divisions as will secure its majorities in district elections.¹

109. Qualifications.—No one is eligible to a seat in the Legislature unless at the time of his election he is a resident in the district for which he is elected, and is a qualified voter there. No member of Congress or officer of the United States, and no one who has been convicted of embezzlement or of misuse of public funds, can sit in the Legislature.

110. Term of Office.—Senators serve four years, and Representatives two. The elections of the former come in what are known as the presidential years, that is, the years in which Presidents of the United States are elected. Representatives are elected in each alternate year, in what are called the “even” years.

¹This is especially true when the State is to be divided into Congressional Districts. To divide a State in a way which is unnatural and unfair, for party purposes, is called “gerrymandering.”

111. Sessions.—All sessions of the State Legislature are held at the State capital ; and all regular sessions are held once in two years, in the “odd” years. The regular session opens on the second Tuesday in January. Each member is allowed three dollars for each day’s actual service, and fifteen cents for each mile of necessary travel in going and returning ; but the total allowance for service cannot exceed one hundred and fifty dollars for each member. If the session lasts more than fifty days, therefore, members sit without pay. In the same manner the Constitution makes provision for but thirty days in a special session.

112. *Regular sessions* are held by virtue of the law, and need no call. A *special session* is called by the Governor, at his own discretion, and is sometimes known as a “called session.” *Joint sessions*, in which both houses unite and act as one, are held for the election of United States Senator, and may be held for other purposes by resolution of both houses. All sessions are open and public, unless special circumstances demand secrecy.

113. Officers.—Each house elects its own officers ; except that the Lieutenant-Governor is, by virtue of his office, President of the Senate. The Senate elects a *Secretary* and an *Assistant Secretary*. The presiding officer in the Lower House is called the *Speaker*. Among other officers and employees in each house are the *Clerks*, who have charge of all bills, resolutions, and other papers ; the *Postmaster*, who looks after the mail of each member ; the *Sergeant-at-Arms*, who preserves order, compels the attendance of absent members when so requested by the house, and is a sort of general executive officer ; the

Doorkeepers, who guard the entrance to the floor, or that part of the house occupied by members; and the *Pages*, or the lads who wait on members while the house is in session. With the exception of the Speaker, all officers and employees must be chosen outside the membership of either house.

114. Method of Business.—Either house is organized when members have taken the oath of office, and the Speaker and Chief Clerk have been chosen and have qualified. Other officers are then elected. *Committees* are appointed by the presiding officer in each house, one for each general branch of business which will come before the Legislature; as, the Ways and Means Committee, to which are referred all appropriations and general expenditures; the Committee on the Judiciary, on Railroads, on Corporations, on Education, and on Federal Relations. There are also *Special Committees*, which have some one subject entrusted to them; the others being called *Standing Committees*, because they are at work on a given class of subjects during the entire session. When either house wishes a general discussion of any given topic, and a discussion carried on in a rather more informal way than usual, it frequently sits as a *Committee of the Whole*, under a Chairman selected for that occasion only.

115. Most changes in the statutes of the State, new laws, and special or personal acts, come before the house in the way of *bills*, *petitions*, or *resolutions* introduced by members. These are referred to the appropriate committees, which examine carefully into the purpose, form, and general desirability of the proposed legislation. These

committees may call and examine witnesses, and may use any and every lawful method for securing information and prosecuting investigation. They can thus accomplish much which, by reason of the size and character of the house, could not be reached in any other way.

116. From the committees, each bill comes back to the house in which it originated, for general consideration in the Committee of the Whole. This committee reports its action to the house, just as any other committee does. The house then accepts or amends the bill, and it is then *engrossed* (or written out carefully) for a third reading. Unless in case of emergency, each bill is read on three separate days in each house. This rule may be suspended by a two-thirds vote of the house while the bill is pending; that is, after it has been introduced and is under discussion. But on its final passage every bill must, under all circumstances, be read by sections. A majority of all the members elected to each house must vote in the affirmative in order to pass a bill.

117. Having passed in the house in which it was first presented, the bill is sent to the other house for its consideration. Here it may be concurred in as received, or it may be defeated, or it may be amended and passed as amended. In the latter case it goes back to the house in which it originated, to have the amendment concurred in or rejected. A "lock in legislation" occurs when one house will not agree to action in which the other persists.

118. Every bill passed by both houses is *enrolled* (copied carefully upon the official roll of legislative acts), signed by the Speaker and by the President of the Senate, and is then sent to the Governor. If he approves it, he signs

it. If not, he sends it back to the Lower House with a statement of his objections to it. The bill and the objections are then taken up and debated in each house by turn, and if passed in each by a two-thirds vote of all members elected it becomes a law. This is called *over-riding a veto*. If the Governor does not return a bill within three days (Sunday not counted) after it is presented to him, it becomes a law, as though he had signed it. This rule has one exception ; where the Legislature adjourns within three days, so that a bill cannot be returned, the bill fails. Sometimes, under this clause, the Governor withholds a bill till the Legislature adjourns. This is called a *pocket veto*.

119. The Legislature prescribes the time when its acts shall go into force, and has them published as soon as possible. No law of a general nature is in force until it has been published in some newspaper lawfully designated for this purpose, or in a volume, under the direction of the Secretary of State.

120. Conclusion.—The objects of legislation are almost without number, and are really limited only by the general welfare of the State in all sections and localities. Yet much is often attempted by the Legislature which should be left to individuals ; and there are many temptations and opportunities to legislate either unwisely, in a partisan way ; or viciously, in behalf of private interests. This creates in this department of government, as in all others, a demand for men of character as well as ability—perhaps, in certain senses, even more than ability. Integrity, intelligence, unselfishness—these are the prime characteristics of every wise and worthy legislator. It

may be added that when these requisites have been secured—not sooner—party belief may properly influence the election of members; but largely because the Legislature in joint session elects the United States Senator, who has a voice in determining the policy and course of the nation. Below this point all issues are local only, even though at times corresponding quite closely to party lines.

THE JUDICIARY.

121. Organization.—The State Constitution provides that the judicial power of the State shall be vested in a Supreme Court, District Courts, Probate Courts, Justices of the Peace, and such other courts inferior to the Supreme Court, as may be provided by law. Under this last clause have been established the Police Courts in cities, and in some of the most populous counties, Courts of Common Pleas, or Circuit Courts.

122. The *Supreme Court* consists of one *Chief Justice* and two *Associate Justices*, who are elected by the voters in the State at large; that is, without regard to any special district. The term of office is six years. They appoint a *Clerk*, who has charge of all the records and papers of the Court; and a *Reporter*, who compiles and prepares for publication the decisions of the Court, with brief statements of the cases in which the decisions were rendered. There were three *Supreme Court Commissioners*, appointed by the Governor, from March, 1887, to March, 1893, who assisted in the general work of the Court, as so many

more Associate Justices. Their term expired in 1893. The Court meets at the State capitol on the first Tuesday in January and July of each year. Special and adjourned terms are held as a majority of the Court may direct. The greater number of cases tried by this Court are those which come to it by appeal from lower Courts.

123. *District Courts* are held in what are known as the Judicial Districts. Of these there are thirty-five, created by the Legislature by combining certain counties. The statute also determines the times of holding the regular terms in each district.¹

124. Each District Court has its own officers; that is, the Judge, the Clerks (one for each county), and the Stenographer. The chief duties of the *Judge* are to preside at all sessions of his Court; to hear and determine all cases submitted directly to him, and all questions of law in other cases; and to have general supervision of all cases submitted to a jury, as well as to instruct the jury as to questions of law arising in the same. The *Clerk* has charge of all papers and records of the Court, and is responsible for their safe keeping. He is elected by the voters in his county, and serves for two years. The *Stenographer* is appointed by the Judge, and at his discretion, and makes full stenographic reports of all the proceedings in any given case.

¹ *Court of Common Pleas of Sedgwick County.*—The work of the District Court in this county was so burdensome, and so much in arrears, that the Legislature of 1889 created a Court of Common Pleas, which should cease to exist on the 31st of December, 1891. The Judge was appointed by the Governor. The powers and methods of business were generally those of the District Court. At the session of 1891 a like Court was created for Wyandotte County, and one of similar powers, called the "Circuit Court," for Shawnee County.

125. Probate Courts.—Each county has its Probate Court. This has care of the estates of deceased persons, of minors, of persons of unsound mind, of habitual drunkards, and of apprentices. The regular terms of this Court commence on the first Monday in January, April, July, and October of each year. As each term extends to the Saturday preceding the next regular term, the Court is really always in session.

126. Board of Arbitration.—The District Court of each county, or a judge of such court (in vacation), has power, on presentation of petition signed by at least five workmen and two firms of employers, all residing in the county, to appoint a tribunal for voluntary arbitration and settlement of disputes between employers and employed in manufacturing, mechanical, mining, and other industries. The tribunal consists of two workmen and two employers and an umpire. When the parties agree to submit their difficulties to this *Board of Arbitration*, its decision is final, unless “fraud, accident, or mistake” can be proved in connection with its conclusions. (See General Statutes of 1889, paragraphs 332 to 341.)

It is hoped that this action will provide a method by which speedy and just settlements of such difficulties can be reached, and strikes, interference with business, and violence avoided.

127. Trial by Jury.—Trial by jury is recognized in the National Constitution, and in the Constitution of every State, as being one of the very best means by which to secure the liberties and rights of all citizens. There are two kinds of juries,—Grand and Petit. The *Grand Jury* consists of fifteen members, and twelve must unite in

presenting a bill of indictment. The sessions are secret, and are held for the purpose of inquiring into crimes and determining the evidence concerning suspected criminals. If circumstances are such as to warrant the jury in believing that an accused person ought to be tried, it finds what is called *a true bill* against him, and he is then brought into court for the usual trial. Unless a true bill is found, no further proceedings are taken. In this State the Grand Jury is called by an order of the Judge of the District Court, issued at the request of one hundred tax-payers of any county.

128. The Constitution of the State provides that in all prosecutions the accused shall have a speedy and public trial by an impartial jury of the county or district in which the offense is said to have been committed. In nearly all civil cases, also, a jury trial may be had on demand. Great care is taken in the statute to secure only men of "fair character and approved integrity." It is made the duty of the Trustee of each township, and of the Mayor of each city, to make during April of each year a list of such persons to serve as jurors for the ensuing year. In each organized county having a population of thirty thousand and upward, the Governor appoints three Jury Commissioners, whose term of office is two years, and whose duty it is to make up the list of names from which the juries shall be drawn. These take the place of the Trustees and Mayors. These lists are sent to the County Clerk, who writes the names on separate pieces of paper and puts them all in a box. Then, with two Justices and the Sheriff as witnesses, he draws the names of from twelve to thirty-six persons, as the

Court may order. Twelve of these form a *Petit Jury*, and determine all questions of fact that come up during a trial. Their verdict must be unanimous; though it might be better to amend the Constitution so as to permit, say, three-fourths to decide.

129. Juries in Justices' Courts, when called for, are made up by the Justice writing the names of eighteen citizens of the county; from which list the parties to the suit strike out each one name, alternately, till but six remain—which constitute the jury in civil cases. This jury determines questions both of law and of fact. (See paragraph 27.)

130. All jurors are summoned by the Sheriff or proper officers of the Court.¹

131. Conclusion.—It has been said that no nation has long survived the corruption of its courts. The judge should be above suspicion; the jury should be competent, honest, fearless. No high-minded citizen will be content with any result of our judicial system other than the most exact and impartial justice. When justice is bought and sold it is no longer justice, and the end is very near.

¹ The statutes exempt certain persons from jury service, declare others to be debarred from such service, and permit the parties to a case to challenge; but this belongs more properly to the practice of the law.

TAXATION.

132. Prelude.—The State, the Government, is simply the agent of the people, and an agent whose necessary expenses must be paid. Often this agent is called on to make certain expenditures in behalf of its principal—the people; and the latter must in some way pay the bills. The method of raising the amount necessary to meet these expenditures and expenses is called *Taxation*, and the amounts themselves are called *Taxes*.

As the only legal ground on which any tax can be collected by the Government—whether it be that of the Nation, of the State, of the County, of the Township, or of the School District—is, that it has rendered, or promises to render, a service which is fully equivalent to the amount collected; in other words, that we are to receive all we pay for—it follows that we should examine very closely the entire proceedings of assessing, levying, and collecting, in order that we may know that our money is properly taken and judiciously expended.

133. Four Canons.—There are four rules, or canons, which are admitted by every one to control all wise taxation. These are :

1. Citizens should pay taxes in proportion to their ability to pay.
2. The tax which each must pay should be determined by some fixed rule which applies to all, and should not be arbitrary; and the time of payment, the manner of payment, and the amount to be paid, should be perfectly clear and plain to the one who pays, and to every one else.
3. The tax should become due, as nearly as possible, at

the time and in the manner in which it will most likely be convenient for the great mass of citizens to pay.

4. The tax should be so raised as to ensure the least cost of collection; it should be collected as short a time as possible before really needed; and there should be very little surplus.

134. Kinds of Taxes.¹—Every one pays at least one tax, and most people pay several taxes. These are levied for different purposes, and by different officers. Of some of these we have already spoken, but it will be well to bring them all together for review.

Every male person who has been thirty days in this State, and who is between the ages of twenty-one and forty-five, is liable to a *Road Tax*. This consists of two days' work on the road, under the Road Overseer; but actual labor may be avoided by paying a dollar and a half for each day. For the purposes of this tax every city is a Road District. This tax is levied by a general statute.

¹ The following table has been prepared to indicate briefly the general classes of taxation to which citizens are subject:

Kind of Tax.	Amount Determined by	Levied on	Paid to
National . . .	Congress.	Imported goods. Tobacco, liquors, and dealers in tobacco and liquors.	Customs officers; and in enhanced prices.
State . . .	Legislature.	Real estate and personal property.	District collectors.
County . . .	County Board Comm's.	Real estate and personal property.	County Treasurer. ²
Township . . .	Direct vote of citizens.	Real estate and personal property.	County Treasurer.
School District . . .	" "	Real estate and personal property.	County Treasurer.
City . . .	Common Council.	Real estate and personal property.	County Treasurer.

² The county system prevails within the limits of government surveys. The parish system of the South is somewhat analogous to this. The township system gives the utmost local freedom, and belongs to New England and the Eastern States [generally].

135. The statute gives cities of the second and of the third class the right to levy a *Poll Tax*, or a tax on each head, of not to exceed one dollar, on all male citizens between the ages of twenty-one and fifty. In cities of the third class this tax is collected by the City Treasurer.

136. All cities may also levy what is called an *Occupation Tax*; that is, a tax on a man's business as such, without much regard to the amount of business he does. This is paid to the City Treasurer.

137. In all cities there are special taxes, sometimes called *Improvement Taxes*, or *Assessments*; such as taxes for sidewalks or sewers or pavements. These generally fall on the property nearest the improvement, and are paid to the County Treasurer.

138. But nearly all other taxes fall on such real and personal property¹ as is not exempt by law,² and are paid to the County Treasurer. These are :

The *District Tax*, which is voted for school purposes by the citizens of each School District.

The *Township Tax*, which is levied for bridge repairs, culverts, and similar purposes, or to pay township bonds or the interest on them.

The *County Tax*, which is levied by the County Board of Commissioners for the general expenses of the county gov-

¹ *Real property* is land, buildings and other improvements, mines, and quarries. *Personal property* is everything other than real property; such as money, notes, bonds, mortgages, farm stock, and movable property in general.

² Such as churches, school-houses, cemeteries, public libraries, public property of all kinds, and personal property to the amount of \$200 for each family.

ernment; such as salaries of officials, buildings, bridges, and other county matters.

All ordinary *City Taxes*, which are determined by the Mayor and Council.

The *State Tax*, which is levied by the Legislature to meet the ordinary expenses of State government, and to support State institutions of every kind.

139. The System.—The Township Trustee is, by virtue of his office, the *Township Assessor*. In cities of the first and of the second class, the Mayor and Council appoint a *City Assessor*. In cities of the first class the Assessor holds office for two years; in the second class, for one year.

The Assessor first makes a list of all the real estate within his township or city, with the taxable value of the same (determined by himself), and the names of the owners of the different tracts. He then secures, through the owners, on blanks prepared for that purpose, lists of all taxable personal property, to which he affixes the value. These lists are given to the County Clerk, who enters them on what are known as the *Tax-Rolls*.

140. On the first Monday of June of each year, the Board of County Commissioners meet as a *Board of Equalization*. The County Clerk presents the tax-rolls. Any person feeling that he is unduly assessed may appear before the Board and present his case; the Board having power to correct all errors and to right all wrongs that may be proved to exist. They can also use their discretion in certain matters, even though no complaint is made; as, where any lands in the county seem to be assessed too high or too low, compared with the average

valuation of similar property through the entire county. After the rolls have been equalized, a copy is sent to the State Auditor.

141. On the second Wednesday of July in each year, the Secretary of State, State Auditor, and State Treasurer meet at the Capitol as a *State Board of Equalization*. They act for the whole State, as the County Board does for the county; only now it is cities or counties appearing and complaining, instead of individuals. The rolls thus corrected are sent back to the respective County Clerks; and with each goes a statement of how much of the State tax must be paid by that county.

142. The County Commissioners, the Mayor and Council of any city, the Township Trustee, the School District Board, and the Board of Education of any city, then notify the County Clerk of the per cent. which each is authorized to raise for that year. The Clerk enters these, and the per cent. necessary to raise the State tax, on the rolls. Immediately after the first day of August he computes the amounts which each person taxed must pay. He must finish the rolls by the first day of November.

On that day all taxes become a legal charge upon the land taxed, and remain so until they are paid. The rolls pass into the hands of the County Treasurer, and payment must be made at his office. A person may pay the whole amount of his taxes on or before December 20th, in each year; in which case he is entitled to a reduction of five per cent. on one-half the amount paid. Or he may pay half his tax on or before December 20th, and half on or before June 20th—subject to a penalty of five per cent. in case of failure.

If personal taxes are not paid, the Treasurer issues a warrant directed to the Sheriff, commanding him to seize the personal property of the person not paying, and sell it to pay taxes and expense of collection.

If real estate taxes are not paid, the land is advertised and sold by the County Treasurer, in September after the taxes first become due. If there are no bidders it goes to the county. Any land so sold may be *redeemed* at any time within three years from the date of the sale, by the owner's paying all taxes and costs and interest on all of these at the rate of fifteen per cent. per annum.

143. Conclusion.—As it is really the local government that does most for us, it should be the local government that raises the largest taxes. The county and district taxes, or the county and city taxes, are always much higher than those of the State. If this is not true, the matter needs attention.

All local taxation is under our very eyes and should be carefully watched and wisely criticised. The best rule for laying and collecting taxes is that they should be a good investment. The money ought to bring us more than we could get by expending it for the same purpose in any other way. If nothing is gained by establishing a common fund, a common treasury, then, in this at least, government is an expensive luxury or a mere farce.

Here, again, we see reason for great care in the selection of officers. The assessors, and all other officials connected with taxation, have great power and great responsibility; and, though we have established several checks on misdoing and ignorance, intelligence, ability,

and, above all, *character*, are prime factors in any successful solution of the problem, "How shall the revenues of our government be raised?"

Another thought. He who withholds his share of a tax, by any means, throws an unjust burden on his neighbors, and is guilty of a great social wrong. Suppose the total tax required in a township owned by A and B is \$400. If A and B have each the same amount of property, each should pay the same tax—\$200. If A "swears down" his assessment, or "makes friends with the assessor," or secretes half his property, then not only will he pay \$100 less than he ought to pay, but B will pay \$100 more than is just; for the \$400 tax must be collected. This illustrates what happens when any citizen evades a just tax. He robs every other person in the community—there is no other word for it. All good citizens should unite in a determined effort to put an end to this kind of dishonesty.

HIGHER EDUCATION.

144. In addition to the District Schools the State makes provision for higher education, as follows:

145. *Graded Schools.*—These may be established whenever the people of two or more districts wish to unite for this purpose. This is determined by a majority vote of the citizens of each district; and at a joint meeting they proceed to elect officers for the *Union District*,

and conduct all school business thereafter as though it were but a single district.

146. High Schools.—These are encouraged by the Constitution, and are intended to furnish somewhat advanced education to those who for any reason cannot attend institutions of higher learning. They also give suitable preparation to those who can attend. As thus far established, they are very generally departments of graded or city schools, and are under the same general management.

147. County High Schools.—Each county having a population of six thousand inhabitants or over may establish a County High School. The County Commissioners, on petition of one-third of the electors of the county, or at their own discretion, give notice twenty days before a general election (or before a special election called for this purpose) that they will submit to the electors the question of the establishment of a County High School at a given place. When established, the School is under the charge of a board of six Trustees, two of whom are elected from the county at large each year. The term of office is three years. The County Superintendent is *ex-officio* president of the board.

Three courses of study are provided: a *General Course*, a *Normal Course*, and a *Collegiate Course*. The General Course is designed for those who cannot continue school-life after leaving the High School. The Normal Course is designed for those who intend to become teachers, and fully prepares those who wish to take up the first year of professional work at the State Normal School. The Collegiate Course fully prepares for the Freshman Class

of the State University, of the State Agricultural College, or of any other institution of higher learning in the State. Tuition is free to all pupils residing in the county. Only those who have completed the work in the District Schools of the county can attend.

The design of the law is to furnish advantages for such thorough instruction as can be secured in the well-known academies of older States.

148. Normal Schools.—Provision is made for these in the Constitution. Thus far the State has but one, that at Emporia. The government is in the hands of a Board of Regents, six in number, appointed by the Governor and confirmed by the Senate. Its revenues are from a grant of land comprising the six sections adjoining, or as contiguous as may be, to each salt spring in the State (not exceeding twelve springs in all), not including the sections on which the springs are located. In addition to this, it may receive appropriations from the Legislature.¹

149. The Agricultural College.—This is located at Manhattan, and is endowed, under an act of Congress establishing colleges “to teach such branches of learning as are related to agriculture and the mechanic arts,”

¹The State provides for further normal work in *County Normal Institutes*. These are established under the general supervision of the County Superintendent of Public Instruction. They are held in the summer, and run from four to eight weeks. Each has a *Conductor*, who has general control of the Institute and is the leading instructor; and several *Instructors*, who teach specific branches. These Institutes are intended to teach teachers how to teach. Each person attending pays a small fee; and the State and county aid in meeting the necessary expenses of instruction not covered by these receipts.

with the proceeds of the sale of nearly ninety thousand acres of land, over \$500,000. Buildings and general apparatus are provided by the State appropriations. It has a general course of study in English, mathematics, and the sciences, with special adaptation to the various industries of the State, training in which is provided upon the farm and in the shops connected with the college. Military science and tactics are taught, as required by law of Congress. Tuition is free.

150. *The State University.*—This is located at Lawrence, and represents the highest form of general culture under the patronage of the State. Its endowment consists of the proceeds of the sale of seventy-two sections of land granted by Congress, to the returns from which are added regular Legislative grants. Its departments are: a department of the literatures; a department of the sciences; and a department of the arts. Tuition is free.

The management of these last two institutions is provided for in much the same way as that of the State Normal School. The regents of each educational institution receive compensation for their services while actually engaged, and an allowance for traveling expenses.

151. *Conclusion.*—The fact should never be forgotten that these three institutions are just as much a part of the school system of the State as are the common schools. No system of education is at all complete which stops with the mere rudiments of learning. Indeed, if we compare the studies of the common schools with most of the studies in higher courses, the latter will be found to be more practical, and to aid more directly in building up strong and wise citizens. Thoughtful parents will

make many sacrifices, if necessary, to secure these benefits for their children. Young men and young women who desire to do good work wherever their lines of life may fall, should put forth every effort to place themselves under these beneficent influences. The State, recognizing the rich returns from such investments, should see that every facility is afforded each institution for doing the best possible work in its own chosen field.

BENEVOLENT AND PENAL INSTITUTIONS.

152. *Prelude.*—There is, perhaps, no surer proof of advanced and advancing civilization than the manner in which society cares for the defective—the imperfect—classes, and administers lawful punishment to evil-doers. Every one recognizes that age, infirmity, and misfortune may and do create claims upon both the sympathy and the aid of society; while the very name, penitentiary, indicates clearly that we have wisely established a place where law-breakers—presumably penitent—shall be punished and, that which we so often forget, reformed.

153. *Four Classes.*—There are four great classes which need the almost constant care of society: (1) the defective; (2) paupers; (3) vagabonds; (4) criminals.

154. *First Class.*—The defective include the insane, the blind, the deaf and dumb, and the feeble-minded (or idiotic). For all these our State makes ample provision.

The *insane* are divided into two classes,—those needing only general care and oversight, and those needing special

treatment. For the first, the law provides guardianship. This is secured through the Probate Court, which has special jurisdiction in all such cases. Information of the insanity is duly given, and a jury of six persons, one of whom must be a physician in regular practice and of good standing, hears the facts in the case and determines the condition of the person. If the Court thinks it unnecessary to send the person to an asylum, the Probate Judge appoints a guardian, who must give bonds, and who is entrusted with all the property and business of the lunatic. This guardian acts very largely under the advice and control of the Probate Judge, and may be removed by the latter for neglecting business or for disobeying any order of the Court. Probably no better way could be devised for protecting all the interests of a person of unsound mind. Yet the opportunities for fraud on the part of both the guardian and the Court are very many; and the very helplessness of the lunatic should increase the care with which we select our Probate Judges.

If the Judge thinks the person needs special treatment, he applies to the Superintendent of one of the *State Insane Asylums* for the admission of the lunatic, which is granted whenever there is room for such patient. Of these asylums Kansas has two, one at Osawatomie, the other at Topeka. The buildings are erected at public expense, and a large share of the cost of maintaining the institutions is borne by the State treasury. Whenever the patient has means sufficient for his own support and that of his family (if he has one), the Probate Court orders the guardian to pay for his maintenance at the asylum. If he is not able to support himself and his

family (if he has one), or if he is a minor and his family is not able to support him, the county in which he resides is made responsible for his maintenance while under treatment. If restored to health, he is at once restored to liberty as well, and to full control of his property.

155. The *Asylum for the Blind*, or, as it is now called, the Kansas Institution for the Education of the Blind, is situated at Wyandotte. It is in charge of a Superintendent, with the usual teachers. As far as possible, the family or friends of the blind pupils contribute towards their support. Failing in this, however, the Overseer of the Poor in the township in which the pupil resides makes due provision from public funds for his care and instruction. Besides general schooling, the pupils are taught some useful trade or calling.

156. The *Institution for the Education of the Deaf and Dumb* is located at Olathe. In general management, regulation, and instruction, it is very similar to the Asylum for the Blind.

This is also true of the *Asylum for the Feeble-Minded*, located at Winfield.

157. Second Class.—*Paupers* are those who are unable to supply themselves with the necessities of life, and are compelled to ask either for entire support or for aid. The statute requires each county to support its own poor, and makes the Township Trustees and the Mayor and Council of each city *Overseers of the Poor*. These Overseers examine all cases reported to them, and determine the amount of relief needed and in what way it shall be granted. Several plans are followed. Some-

times aid is given directly to the persons in need. In certain cases others are paid the reasonable cost of caring for the pauper. Children of paupers may be bound out by the Overseers; that is, may be compelled to enter the service of others, working as far as possible for their own support. Most counties own what is known as a *Poor-house* or *Poor-farm*, where, under a Superintendent, the poor are cared for and the farm worked in their behalf—the paupers performing as much labor as possible.

158. The subject of the treatment and care of the poor does not receive as much nor as intelligent attention as it deserves. There is a wide difference between the worthy poor and those who are made paupers by their own idleness or viciousness. How to separate these; what shall be the plan for assisting each; how to make the receiving of aid sufficiently disgraceful and unsatisfactory to prevent an increase of paupers, and, at the same time, avoid neglecting those who really deserve assistance; how to prevent the terribly demoralizing effects of herding all classes and sexes together, as is only too common in some of our poor-houses; how best to help both classes help themselves; how to lessen poverty,—these are questions to which every citizen should give most careful thought.

In this connection should be noted one specific provision of the statutes. In case of the death of an ex-Union soldier, sailor, or marine, without leaving means sufficient to defray the funeral expenses, the Township Trustee, or some other person appointed by the County Commissioners, is authorized to see that the body is decently buried (the expense not to exceed \$50) and the grave marked by a suitable headstone, not to cost more than \$20.

159. The *Soldiers' Orphans' Home* is in charge of the Trustees of State Charities, and provides for the education and maintenance of all poor children between the ages of two and fourteen years, preference being given to children of disabled ex-Union soldiers or sailors, or of those who have died poor. The children cannot be kept at the Home after they are sixteen years old. This institution is located at Atchison.

These expressions of gratitude to the men who perpetuated the Union are among the most worthy we have placed in our laws.

160. The *St. Vincent Orphan Asylum*, at Leavenworth, receives orphan, destitute, and friendless children, and secures homes for them; binding them out or apprenticing them whenever it may seem desirable, but never longer than until they come of age. It is not under the control of the State, but is aided by Legislative appropriations.

161. *Third Class.*—*Vagabonds* are those who wander about from place to place, or loiter around any given place, without any occupation or any visible means of support. The statute of Kansas calls them *vagrants* under certain circumstances,¹ and inflicts either fine or imprisonment. As every county is presumed to care for its own deserving poor, vagabondage is thought to indicate willful and vicious neglect of self-support, and therefore the law strikes sharply at such offenders.

162. *Fourth Class.*—*Criminals*, under the statute, are those guilty of any violation of law. Acts or omissions

¹ When found in drinking-saloons, or gambling-houses, or other places of ill repute, or, if able-bodied married men, when neglecting the support of their families.

for which the laws of this State inflict punishment are called *Public Offenses*. Of these there are two classes: *Felonies*, or offenses punished by death or by confinement at hard labor in the penitentiary; *Misdemeanors*, a name applied to all offenses which are not felonies.¹ The places for detention and punishment are the city prisons, the county jails, the State penitentiary, the reform school, and the State reformatory.

163. *City prisons* are under the control of the city authorities, and are occupied only by those violating the city ordinances. Cities of the second and of the third class are permitted by law to use the county jail as a city prison if they so desire.

164. A *County jail* is provided by each county organized for judicial purposes. It is built at the county-seat, and is inspected by the County Judge and the County Attorney at each term of court. The Sheriff has charge of the jail and of the prisoners, and supplies the latter with all necessaries. The occupants of a county jail are those awaiting trial, those undergoing punishment, and those awaiting transfer to the penitentiary.

165. The statute recognizes, and endeavors to guard against, the dangers of association and of crowding. It declares that all prisoners shall be treated with humanity, and in a manner calculated to promote their reformation. If the jail will admit this, the younger prisoners

¹ The statute also speaks of *infamous crimes*, which name is applied to the most atrocious or offensive felonies. All persons convicted of felonies are declared disqualified, or rendered incompetent, to be jurors, or to vote, or to hold office, unless restored to civil rights by pardon. Offenses against city ordinances are neither misdemeanors nor felonies.

are kept separate from more experienced and hardened criminals. Women are given separate rooms. Parents and friends who desire to exert a moral influence over the offenders are permitted to visit them at all reasonable times. A Bible or Testament is given to each prisoner, and ministers of the gospel can converse with them at any proper season.

Notwithstanding all this, it is to be feared that the influence of the greater number of our city prisons and county jails is simply terrible. No regular labor is exacted of the prisoners, and idleness and association with others of his own class must be very demoralizing to every man within the walls. Very few jails are large enough to meet fully the demands made on their space, and almost none are well ventilated. The sexes are not often separated during the day, nor always even at night; hardened criminals and children are often thrown together; there is no employment for either mind or body. Competent inspectors, in various States, say emphatically, "*The common county jails are the common schools of crime and vice.*" Common humanity, common decency, a due regard for common public safety, unite in demanding that good citizens shall study this question with the greatest care, and bring to bear upon it all the results of the widest and most accurate investigation.

166. The *Penitentiary* is situated at Lansing, near Leavenworth. The general management is in the hands of three *Directors*, appointed by the Governor. Each Director holds office three years. The officers directly in charge are a *Warden*, who is the principal keeper, and must reside at the penitentiary; a *Clerk*, a *Physician and*

Surgeon, a *Chaplain*, a *Deputy Warden*, such *Assistant Keepers* as the warden and the directors may deem necessary, and an *Architect*, who is superintendent of the construction of the buildings and walls. Of these, the first and the last are appointed by the Governor; the others, by the directors.

The punishment at the penitentiary includes the hard labor exacted of every convict, the absolute silence which he is compelled to maintain, and the fact that, though working with others, he is really alone, because of nothing but physical companionship. To this was once added hard fare; but at present the diet, in quantity and quality, is rather better than that to which the average prisoner is accustomed before conviction. As a means of occasional and special punishment, however, scanty fare is still used.

167. Kansas employs its convicts in two ways: directly for the State, as in mining coal at the penitentiary shaft, or in various kinds of labor about the institution itself; or by hiring the convicts on contracts to those who will use them in some industry carried on inside the prison walls. In this way the prisoners are kept busy, have an opportunity of earning something for themselves, and can make the institution in a measure, if not entirely, self-supporting. The women, always quite few in number, are confined in separate quarters, and employed in work connected directly with the institution.

Effort is put forth in several directions to reform the convicts. The statute requires that three hundred dollars shall be spent each year for books for their use. The chaplain is expected to do a great deal towards instructing them and guiding them to a better life. They are

taught some useful trade, which they may follow when they are again free. A small percentage of their wages is laid aside to be given them when they are discharged; which savings may be forfeited by bad conduct. Good conduct entitles a convict to a deduction of three days per month for the first year, six days per month for the second year, and eight days per month for each year thereafter. All these measures tend to encourage the prisoner to reform and to prepare for a better use of his freedom when it comes. It is gratifying to know that they are successful in the greater number of cases.

168. The *State Reform School* is near Topeka, on a farm of a hundred and sixty acres. It is under the general oversight of the State Board of Trustees of Charitable Institutions; and in special charge of a *Superintendent, Matron, and other and usual officers and teachers*. Boys under sixteen years of age whose sentence renders them liable to imprisonment, or who lead a vagrant life and cannot be controlled by parents or guardians, may be sent to this school. There they remain till they are twenty-one years of age, unless discharged or bound as apprentices. They are given general instruction, are taught to labor, and are placed under all influences that the State can control which may lead to reform.

The *State Industrial School for Girls* is located at Beloit. Its purposes and management are similar to those of the State Reform School.

These schools are an outgrowth of the feeling already referred to, that young offenders should not be confined with more experienced and hardened criminals.

169. A "*State Reformatory*" was located at Hutchin-

son, intended for male convicts between the ages of sixteen and twenty-five years, not known to have been sentenced to State's prison, in this State or elsewhere. The building is not yet completed nor occupied, but it is hoped that the Legislature will authorize its completion soon. The law provides that the managers may use either farm work or mechanical industry as part of the means for securing good habits and a better life. The general management is to be much like that of the penitentiary.

170. Conclusion.—We have learned much during the last half-century about the proper and wise treatment of criminals; but the great problem for all good citizens to aid in solving is, *how to lessen or prevent crime*. Undoubtedly a proper study of this question will show us that the only method is to go right into the families of the vicious, and separate children, at an early age, from criminal parents; placing them under influences that tend to honest and industrious lives. Just how this can best be done, if at all, is yet to be determined.

LAND SURVEYS.

171. Prelude.—The National Government has adopted a system of surveying the public lands which touches the every-day life of all citizens so closely as to deserve some explanation. In this State, as in all Western States, nearly all land outside of cities is described (or bounded) and bought and sold according to this public or *Government Survey*. Every resident, therefore, should

know something of the system, and of the meaning of the terms used in connection with it.

172. Principal Meridian.—Choosing some natural and permanent point, as the junction of two rivers or a solitary hill or mountain, the surveyors run a line north or south from this point, called the *initial point*. This line is called the *principal meridian*. In the Government system, the first of these is the western boundary of Ohio. The *sixth* is the meridian for Kansas; and is the west line of Washington, Clay, Dickinson, and Marion counties.

173. Base Line.—Crossing the principal meridian at right angles, that is, running east and west, is a line known as the *base line*. The base line for Kansas is the *northern boundary of the State*.

174. Range Lines.—Six miles east of the principal meridian another north and south line is run; and six miles east of that, another; and so on. Similar lines are run on the west of the principal meridian. These are called *range lines*.

175. Township Lines.—Six miles north of the base line another east and west line is run; and six miles north of that, another; and so on. Similar lines are run on the south of the base line. These are called *township lines*.

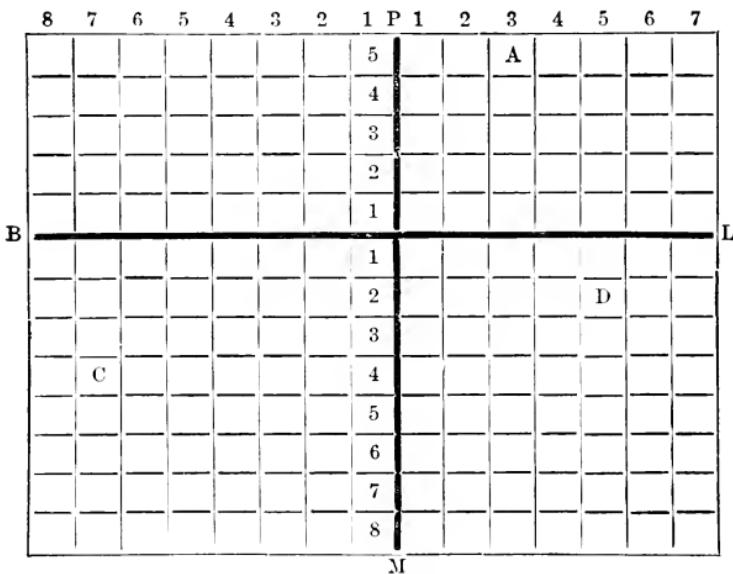
176. Townships.—The crossing of the east and west lines with the north and south lines divides the country surveyed into *townships*. These would be exactly six miles square but for the fact that, because of the shape of the earth, all the north and south lines would meet at the

pole, and hence come nearer together as they approach that point. This is called the *convergence of the meridians*.

177. Correction Lines.—To correct this, and to make the townships as nearly as possible equal in size, every fifth parallel from the base is called a *standard parallel*, or a *correction line*. On this line the surveyor once more measures the exact distance between the north and south lines, placing them just six miles apart.

178. The entire system is shown in the following diagrams:

FIG. 1.

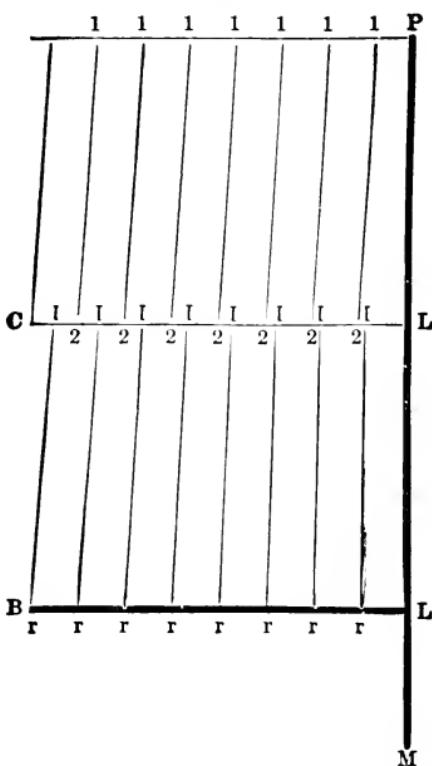


In Figure 1, PM = the principal meridian; BL = the base line.

The description of A would be written T. 5 N., R. 3 E.; and would mean the township in the fifth tier north of the base line, and in the third range of townships east of the principal meridian. So D would be T. 2 S., R. 5 E.; and C would be T. 4 S., R. 7 W.

In Kansas there are *twenty-five east ranges*, and *forty-three west ranges*. There are *thirty-five rows* of townships, all of which are "south," as the base line coincides with the north line of the State.

FIG. 2.



In Figure 2, PM = the principal meridian; BL = the base line; CL = the correction line; rl = the range lines; $1-2$ = the range lines as corrected. The distance between the corners which have been *run* (or determined by the range lines) and the corners found by exact measurement from the principal meridian on the correction line increases as one goes from the principal meridian; varying from a few rods near the meridian to about a mile on the west side of the State.

179. Sections.—Each township is divided into square miles, containing six hundred and forty acres, and called *sections*. Each regular township has *thirty-six* of these sections, which are known by their numbers. Beginning at the north-east corner of the township, the numbers run west—1, 2, 3, 4, 5, 6; then east on the next lower tier, 7, 8, 9, etc.; then west again; and so on.

Each section is divided into four *quarter sections*; each quarter section into two *half-quarter sections*; and each half-quarter section into two *quarter-quarter sections*. These are called *legal divisions*, and are the only divisions recognized by the government. The following diagrams will explain these divisions:

FIG. 1.

T. 5 S., R. 4 E.

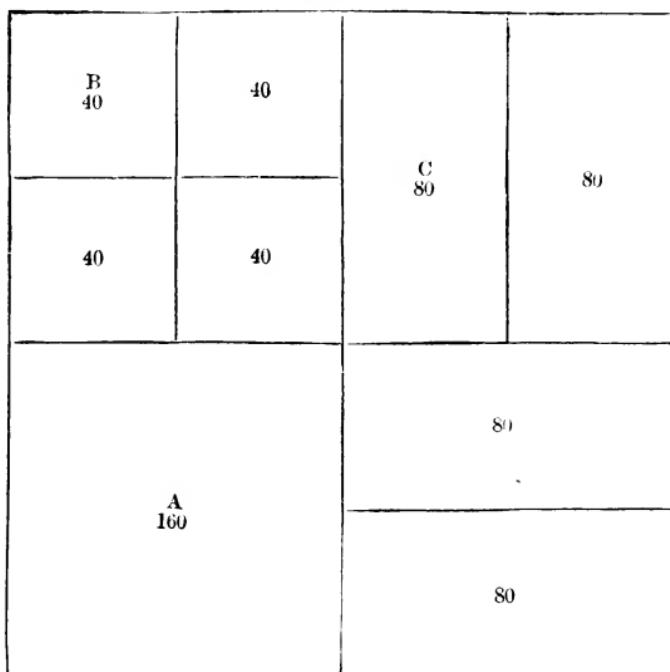
6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Figure 1 shows the method of numbering sections. Figure 2 shows the divisions of sections. The square A would be the south-west quarter of Section 16; or, as it is generally written, SW⁴, Sec. 16. B would be described as NW⁴ of NW⁴, Sec. 16; C would be W² of NE⁴, Sec. 16; and so on.*

It must be remembered that navigable rivers, lakes, and similar natural obstructions may prevent entire regularity in surveys or equality in townships or sections.

* Scholars should use the blackboard frequently, platting from given descriptions and describing given plats.

FIG. 2.
Section 16.



Title to land must begin with a deed, called a *patent*, from the United States; or from the State, as in the case of school lands.

NATIONAL AFFAIRS.

180. While not strictly connected with local government, there are certain officers and organizations in which we have a peculiar local interest.

First might be mentioned the *Presidential Electors*. Of these the State is entitled to as many as it has both

Senators and Representatives—at present, ten. One is elected for each Representative District,¹ and two are chosen for the State at large. They meet at Topeka, on the first Wednesday of the December next after their election, and at twelve o'clock, noon, cast their ballots for President and Vice-President, as prescribed by the National Constitution.² No Senator or Representative, or person holding any office of trust or profit under the United States, can act as an Elector.

181. *United States Senators* are elected by the State Legislature as follows: On the second Tuesday after the meeting of the Legislature, each House names a person for Senator by a *viva voce* vote. The next day, at noon, the two Houses meet in what is called a *joint assembly*; and if the same person has received a majority of all the votes in each House, he is declared duly elected. If not, the joint assembly chooses by a *viva voce* vote, and whoever receives a majority of all the votes cast (a majority of each House being present and voting) is declared elected. The joint assembly must meet and take at least one vote each day till a Senator is elected. Each State in the Union has two Senators. A Senator's term of office is six years. A Senator must be at least thirty years of age, must have been nine years a citizen of the United States, and must be at the time of his election an inhabitant of the State for which he is chosen.

¹ This is the rule, but by the Congressional apportionment of 1891 Kansas was given eight Representatives, and the Legislature has not since re-districted the State.

² For a full discussion of national affairs, students should turn to the Constitution of the United States, which is given, with a careful analysis, in the special Kansas edition of Berard's *United States History*.

182. *Representatives*, or Congressmen, are elected by the people, and are voted for in what are known as *Congressional Districts*. Each State is entitled to as many Representatives as the quotient obtained by dividing the population of the State by 173,901, a divisor established by Congress and called the *Ratio of Representation*. To each of the States having the largest remainders one Representative is assigned until the whole number of Congressmen (356) has been secured.

The State Legislature determines the boundaries of the Districts.

Congressmen are elected at the General Election of State and County officers, in the even years. The term of office is two years. A Representative must be at least twenty-five years of age, must have been seven years a citizen of the United States, and must be an inhabitant of the State for which he is chosen. Nothing in the Constitution prescribes that he shall be a resident of the *District* for which he is chosen: this, however, has been the general custom, though there have been some exceptions.

183. The *United States District Court* for this State sits at Topeka and Leavenworth, and at Wichita for criminal cases. Its officers are the *District Judge*, who holds office during life or good behavior; the *District Attorney*, who represents the National Government as the County Attorney does the county; and the *Marshal*, whose powers and duties are similar to those of a Sheriff. These three officers are appointed by the President and confirmed by the Senate.

184. The *United States Circuit Court* for this State sits at Topeka and Leavenworth. One of the Justices of the

United States Supreme Court is allotted to this circuit, which includes Kansas and several other States. There are also appointed for the circuit two *Circuit Judges*, with the same general powers in the circuit as a Justice of the Supreme Court. The Circuit Court may be held by the Circuit Justice, or by a Circuit Judge, or by the District Judge sitting as Circuit Judge, or by any two of these sitting together.

Each of these courts appoints its own *Clerk*.

The District Attorney and the Marshal are officers of both courts.

The greater number of cases coming before these Federal Courts are those in which the United States is a party, or cases between citizens of another State and citizens of this State.

185. *Naturalization* is the process by which an alien becomes a citizen.¹ *Aliens* are persons born in a foreign country. The word includes men, women and children. After living here a certain time, an alien may become a citizen. Congress prescribes the method. The alien must have lived in this country at least five years. But at least two years before he can become naturalized he must declare on oath before some court of record that he wishes to be, and intends to be, a citizen. When any court to which he may apply is satisfied that he has been in this country five years, and one year in the State where the court is held, and has behaved as a man of good moral character, and has duly made his

¹ The right to *vote* is another and a separate matter. The States regulate voting; the United States, naturalization. Kansas permits an alien to vote under certain conditions. See note 1, page 55.

declaration, it may admit him as a citizen. He renounces his allegiance to his native land, and swears to support the Constitution of the United States.

An alien residing in this country three years next preceding his becoming twenty-one, and who has resided here five years in all, may be naturalized without previous declaration.

A soldier who is at least twenty-one years of age, regularly discharged from the United States army, may be admitted without declaration, and with but a single year's residence.

ANALYSIS
OF THE
STATE CONSTITUTION.

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CONSTITUTION OF THE STATE OF KANSAS.

TOOK EFFECT JANUARY 29, 1861.

Preamble.

We, the people of Kansas, grateful to Almighty God for our civil and religious privileges, in order to ensure the full enjoyment of our rights as American citizens, do ordain and establish this Constitution of the State of Kansas, with the following boundaries, to wit: "beginning at a point on the western boundary of the State of Missouri, where the thirty-seventh parallel of north latitude crosses the same; thence running west on said parallel to the twenty-fifth meridian of longitude west from Washington; thence north on said meridian to the fortieth parallel of north latitude; thence east on said parallel to the western boundary of the State of Missouri; thence south with the western boundary of said State to the place of beginning."

Bill of Rights.

1. All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness.

2. All political power is inherent in the people, and all free governments are founded on their authority, and are instituted for their equal protection and benefit. No special privileges or immunities shall ever be granted by the Legislature, which may not be altered, revoked or repealed by the same body; and this power shall be exercised by no other tribunal or agency.

3. The people have the right to assemble in a peaceable

manner, to consult for their common good, to instruct their representatives, and to petition the government, or any department thereof, for the redress of grievances.

4. The people have the right to bear arms for their defense and security; but standing armies, in time of peace, are dangerous to liberty, and shall not be tolerated, and the military shall be in strict subordination to the civil power.

5. The right of trial by jury shall be inviolate.

6. There shall be no slavery in this State; and no involuntary servitude, except for the punishment of crime, whereof the party shall have been duly convicted.

7. The right to worship God, according to the dictates of conscience, shall never be infringed; nor shall any person be compelled to attend or support any form of worship; nor shall any control of, or interference with, the rights of conscience be permitted, nor any preference be given by law to any religious establishment or mode of worship. No religious test or property qualification shall be required for any office of public trust, nor for any vote at any election, nor shall any person be incompetent to testify on account of religious belief.

8. The right to the writ of *habeas corpus* shall not be suspended, unless the public safety requires it in case of invasion or rebellion.

9. All persons shall be bailable by sufficient sureties, except for capital offenses, where proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted.

10. In all prosecutions, the accused shall be allowed to appear and defend in person, or by counsel; to demand the nature and cause of the accusation against him; to meet the witness face to face, and to have compulsory process

to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed. No person shall be a witness against himself, or be twice put in jeopardy for the same offense.

11. The liberty of the press shall be inviolate; and all persons may freely speak, write or publish their sentiments on all subjects, being responsible for the abuse of such right; and in all civil or criminal actions for libel, the truth may be given in evidence to the jury, and if it shall appear that the alleged libellous matter was published for justifiable ends, the accused shall be acquitted.

12. No person shall be transported from the State, for any offense committed within the same, and no conviction in the State shall work a corruption of blood or forfeiture of estate.

13. Treason shall consist only in levying war against the State, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the overt act, or confession in open court.

14. No soldier shall, in the time of peace, be quartered in any house without the consent of the occupant; nor in time of war, except as prescribed by law.

15. The right of the people to be secure in their persons and property against unreasonable searches and seizures, shall be inviolate; and no warrants shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the person or property to be seized.

16. No person shall be imprisoned for debt, except in cases of fraud.

17. No distinction shall ever be made between citizens of the State of Kansas and the citizens of other States and

Territories of the United States in reference to the purchase, enjoyment or descent of property. The rights of aliens in reference to the purchase, enjoyment or descent of property may be regulated by law.¹

18. All persons, for injuries suffered in person, reputation or property, shall have remedy by due course of law, and justice administered without delay.

19. No hereditary emoluments, honors or privileges shall ever be granted or conferred by the State.

20. This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people.

ARTICLE I.—Executive.

1. The Executive department shall consist of a Governor, Lieutenant-Governor, Secretary of State, Auditor, Treasurer, Attorney-General, and Superintendent of Public Instruction; who shall be chosen by the electors of the State at the time and place of voting for members of the Legislature, and shall hold their offices for the term of two years from the second Monday of January next after their election, and until their successors are elected and qualified.

2. Until otherwise provided by law, an abstract of the returns of every election, for the officers named in the foregoing section, shall be sealed up and transmitted, by the clerks of the Boards of Canvassers of the several counties, to the Secretary of State, who, with the Lieutenant-Governor and Attorney-General, shall constitute a Board of State Canvassers, whose duty it shall be to meet at the State capitol on the second Tuesday of December succeeding each election for State officers, and canvass the vote for such officers, and proclaim the result; but in case any two or more have an equal and the highest number of votes, the

¹ This section amended (as here printed) in November, 1888.

Legislature shall, by joint ballot, choose one of said persons so having an equal and the highest number of votes for said office.

3. The supreme executive power of the State shall be vested in a Governor, who shall see that the laws are faithfully executed.

4. He may require information in writing from the officers in the Executive department, upon any subject relating to their respective duties.

5. He may, on extraordinary occasions, convene the Legislature by proclamation, and shall, at the commencement of every session, communicate, in writing, such information as he may possess in reference to the condition of the State, and recommend such measures as he may deem expedient.

6. In case of disagreement between the two Houses in respect to the time of adjournment, he may adjourn the Legislature to such time as he may think proper, not beyond its regular meeting.

7. The pardoning power shall be vested in the Governor, under regulations and restrictions prescribed by law.

8. There shall be a seal of the State, which shall be kept by the Governor, and used by him officially, and which shall be the great seal of Kansas.

9. All commissions shall be issued in the name of the State of Kansas; signed by the Governor, countersigned by the Secretary of State, and sealed with the great seal.

10. No member of Congress, or officer of the State, or of the United States, shall hold the office of Governor, except as herein provided.

11. In case of the death, impeachment, resignation, removal or other disability of the Governor, the power and duties of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the President of the Senate.

12. The Lieutenant-Governor shall be President of the Senate, and shall vote only when the Senate is equally divided. The Senate shall choose a President *pro tempore*, to preside in case of his absence or impeachment, or when he shall hold the office of Governor.

13. If the Lieutenant-Governor, while holding the office of Governor, shall be impeached, or displaced, or shall resign, or die, or otherwise become incapable of performing the duties of the office, the President of the Senate shall act as Governor until the vacancy is filled or the disability removed; and if the President of the Senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of Governor, the same shall devolve upon the Speaker of the House of Representatives.

14. Should either the Secretary of State, Auditor, Treasurer, Attorney-General, or Superintendent of Public Instruction, become incapable of performing the duties of his office, for any of the causes specified in the thirteenth section of this article, the Governor shall fill the vacancy, until the disability is removed, or a successor is elected and qualified. Every such vacancy shall be filled by election, at the first general election that occurs more than thirty days after it shall have happened; and the person chosen shall hold the office for the unexpired term.

15. The officers mentioned in this article shall, at stated times, receive for their services a compensation, to be established by law, which shall neither be increased nor diminished during the period for which they shall have been elected.

16. The officers of the Executive department, and of all public State institutions, shall, at least ten days preceding each regular session of the Legislature, severally report to the Governor, who shall transmit such reports to the Legislature.

ARTICLE II.—Legislative.

1. The Legislative power of this State shall be vested in a House of Representatives and Senate.

2. The number of Representatives and Senators shall be regulated by law, but shall never exceed one hundred and twenty-five Representatives and forty Senators. From and after the adoption of the Amendment (1873), the House of Representatives shall admit one member from each county in which at least two hundred and fifty legal votes were cast at the next preceding general election; and each organized county in which less than two hundred legal votes were cast at the next preceding general election shall be attached to and constitute a part of the Representative District of the county lying next adjacent to it on the east.¹

3. The members of the Legislature shall receive, as compensation for their services, the sum of three dollars for each day's actual service at any regular or special session, and fifteen cents for each mile travelled by the usual route in going to and returning from the place of meeting; but such compensation shall not in the aggregate exceed the sum of two hundred and forty dollars for each member, as *per diem* allowance for the first session held under this Constitution, nor more than one hundred and fifty dollars for each session thereafter, nor more than ninety dollars for any special session.

4. No person shall be a member of the Legislature who is not, at the time of his election, a qualified voter of, and resident in, the county or district for which he is elected.

5. No member of Congress or officer of the United States shall be eligible to a seat in the Legislature. If any person, after his election to the Legislature, be elected to Congress, or elected or appointed to any office under the United States, his acceptance thereof shall vacate his seat.

¹ This section amended (as here printed) in November, 1873.

6. No person convicted of embezzlement or misuse of the public funds shall have a seat in the Legislature.

7. All State officers, before entering upon their respective duties, shall take and subscribe an oath or affirmation to support the Constitution of the United States and the Constitution of this State, and faithfully to discharge the duties of their respective offices.

8. A majority of each House shall constitute a quorum. Each House shall establish its own rules, and shall be judge of the elections, returns and qualifications of its own members.

9. All vacancies occurring in either House shall be filled for the unexpired term by election.

10. Each House shall keep and publish a journal of its proceedings. The yeas and nays shall be taken, and entered immediately on the journal, upon the final passage of every bill or joint resolution. Neither House, without the consent of the other, shall adjourn for more than two days, Sundays excepted.

11. Any member of either House shall have the right to protest against any act or resolution; and such protest shall, without delay or alteration, be entered on the journal.

12. Bills may originate in either House, but may be amended or rejected by the other.¹

13. A majority of all the members elected to each House, voting in the affirmative, shall be necessary to pass any bill or joint resolution.

14. Every bill and joint resolution passed by the House of Representatives and Senate shall, within two days thereafter, be signed by the presiding officers, and presented to the Governor; if he approve, he shall sign it; but if not, he shall return it to the House of Representatives, which shall enter the objections at large upon its journal, and proceed to reconsider the same. If, after such reconsideration, two-thirds of the members elected shall agree to pass the bill or resolution,

¹ This section amended (as here printed) in November, 1864.

it shall be sent, with the objections, to the Senate, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected, it shall become a law. But in all such cases, the vote shall be taken by yeas and nays, and entered upon the journals of each House. If any bill shall not be returned within three days (Sundays excepted) after it shall have been presented to the Governor, it shall become a law in like manner as if he had signed it, unless the Legislature, by its adjournment, prevent its return, in which case it shall not become a law.

15. Every bill shall be read on three separate days in each House, unless in case of emergency. Two-thirds of the House where such a bill is pending may, if deemed expedient, suspend the rules; but the reading of the bill by sections, on its final passage, shall in no case be dispensed with.

16. No bill shall contain more than one subject, which shall be clearly expressed in its title, and no law shall be revived or amended, unless the new act contain the entire act revived, or the section or sections amended, and the section or sections so amended shall be repealed.

17. All laws of a general nature shall have a uniform operation throughout the State; and in all cases where a general law can be made applicable, no special law shall be enacted.

18. All power to grant divorces is vested in the District Courts, subject to regulation by law.

19. The Legislature shall prescribe the time when its acts shall be in force, and shall provide for the speedy publication of the same; and no law of a general nature shall be in force until the same be published. It shall have the power to provide for the election or appointment of all officers and the filling of all vacancies not otherwise provided for in this Constitution.

20. The enacting clause of all laws shall be, "Be it enacted by the Legislature of the State of Kansas," and no law shall be enacted except by bill.

21. The Legislature may confer upon tribunals transacting the county business of the several counties such powers of local legislation and administration as it shall deem expedient.

22. For any speech or debate in either House, the members shall not be questioned elsewhere. No member of the Legislature shall be subject to arrest—except for felony or breach of the peace—in going to or returning from the place of meeting, or during the continuance of the session; neither shall he be subject to the service of any civil process during the session, nor for fifteen days previous to its commencement.

23. The Legislature, in providing for the formation and regulation of schools, shall make no distinction between the rights of males and females.

24. No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law, and no appropriation shall be for a longer term than two years.¹

25. All sessions of the Legislature shall be held at the State capital, and, beginning with the session of eighteen hundred and seventy-seven, all regular sessions shall be held once in two years, commencing on the second Tuesday of January of each alternate year thereafter.²

26. The Legislature shall provide for taking an enumeration of the inhabitants of the State at least once in ten years. The first enumeration shall be taken in A. D. 1865.

27. The House of Representatives shall have the sole power to impeach. All impeachments shall be tried by the Senate, and, when sitting for that purpose, the Senators shall take an oath to do justice according to the law and the evidence. No person shall be convicted without the concurrence of two-thirds of the Senators elected.

28. The Governor and all other officers under this Constiti-

¹ Section 24 amended (as here printed) in November, 1865.

² Section 25 amended (as here printed) in November, 1866.

tution shall be subject to impeachment for any misdemeanor in office; but judgment in all such cases shall not be extended further than to removal from office, and disqualification to hold any office of profit, honor, or trust, under this Constitution; but the party, whether acquitted or convicted, shall be liable to indictment, trial, judgment, and punishment, according to law.

29. At the general election held in eighteen hundred and seventy-six, and thereafter, members of the House of Representatives shall be elected for two years, and members of the Senate shall be elected for four years.¹

ARTICLE III.—Judicial.

1. The Judicial power of this State shall be vested in a Supreme Court, District Courts, Probate Courts, Justices of the Peace, and such other courts, inferior to the Supreme Court, as may be provided by law; and all courts of record shall have a seal, to be used in the authentication of all process.

2. The Supreme Court shall consist of one Chief Justice and two Associate Justices (a majority of whom shall constitute a quorum), who shall be elected by the electors of the State at large, and whose term of office, after the first, shall be six years. At the first election a Chief Justice shall be chosen for six years, one Associate Justice for four years, and one for two years.

3. The Supreme Court shall have original jurisdiction in proceedings in *quo warranto*, *mandamus*, and *habeas corpus*; and such appellate jurisdiction as may be provided by law. It shall hold one term each year at the seat of government, and such other terms at such places as may be provided by law, and its jurisdiction shall be co-extensive with the State.

4. There shall be appointed by the Justices of the Supreme

¹ Section 29 added in November, 1875.

Court, a Reporter and Clerk of said Court, who shall hold their offices two years, and whose duties shall be prescribed by law.

5. The State shall be divided into five judicial districts, in each of which there shall be elected, by the electors thereof, a District Judge, who shall hold his office for the term of four years. District Courts shall be held at such times and places as may be provided by law.

6. The District Courts shall have such jurisdiction in their respective districts as may be provided by law.

7. There shall be elected, in each organized county, a Clerk of the District Court, who shall hold his office for two years, and whose duties shall be prescribed by law.

8. There shall be a Probate Court in each County, which shall be a court of record, and have such probate jurisdiction and care of estates of deceased persons, minors, and persons of unsound minds, as may be prescribed by law, and shall have jurisdiction in cases of *habeas corpus*. This court shall consist of one Judge, who shall be elected by the qualified voters of the county, and hold his office for two years. He shall be his own clerk, and shall hold court at such times, and receive for compensation such fees as may be prescribed by law.

9. Two Justices of the Peace shall be elected in each township, whose term of office shall be two years, and whose powers and duties shall be prescribed by law. The number of Justices of the Peace may be increased in any township by law.

10. All appeals from Probate Courts and Justices of the Peace shall be to the District Court.

11. All the judicial officers provided for by this article shall be elected at the first election under this Constitution, and shall reside in their respective townships, counties or districts during their respective terms of office. In case of vacancy in any judicial office, it shall be filled, by appointment of the

Governor, until the next regular election that shall occur more than thirty days after such vacancy shall have happened.

12. All judicial officers shall hold their offices until their successors shall have qualified.

13. The Justices of the Supreme Court and the Judges of the District Court shall, at stated times, receive for their services such compensation as may be provided by law, which shall not be increased during their respective terms of office: *provided*, such compensation shall not be less than fifteen hundred dollars to each Justice or Judge each year, and such Justices or Judges shall receive no fees or perquisites, nor hold any other office of profit or trust under the authority of the State or the United States during the term of office for which said Justices and Judges shall be elected, nor practice law in any of the Courts in the State during their continuance in office.

14. Provision may be made by law for the increase of the number of judicial districts whenever two-thirds of the members of each House shall concur. Such districts shall be formed of compact territory, and bounded by county lines, and such increase shall not vacate the office of any Judge.

15. Justices of the Supreme Court and Judges of the District Courts may be removed from office by resolution of both houses, if two-thirds of the members of each House concur; but no such removal shall be made except upon complaint, the substance of which shall be entered upon the journal, nor until the party charged shall have had notice and opportunity to be heard.

16. The several Justices and Judges of the courts of record in this State, shall have such jurisdiction at chambers as may be provided by law.

17. The style of all process shall be "The State of Kansas," and all prosecutions shall be carried on in the name of the State.

18. Until otherwise provided by law, the first district shall consist of the counties of Wyandotte, Leavenworth, Jefferson and Jackson. The second district shall consist of the counties of Atchison, Doniphan, Brown, Nemaha, Marshall and Washington. The third district shall consist of the counties of Pottawatomie, Riley, Clay, Dickinson, Davis, Wabaumsee and Shawnee. The fourth district shall consist of the counties of Douglas, Johnson, Lykins, Franklin, Anderson, Linn, Bourbon and Allen. The fifth district shall consist of the counties of Osage, Coffey, Woodson, Greenwood, Madison, Breckinridge, Morris, Chase, Butler and Hunter.

19. New or unorganized counties shall, by law, be attached, for judicial purposes, to the most convenient judicial district.

20. Provision shall be made by law for the selection, by the bar, of a *pro tem.* Judge of the District Court, when the Judge is absent or otherwise unable or disqualified to sit in any case.

ARTICLE IV.—Elections.

1. All elections by the people shall be by ballot, and all elections by the Legislature shall be *viva voce.*

2. General elections shall be held annually, on the Tuesday succeeding the first Monday in November. Township elections shall be held on the first Tuesday in April, until otherwise provided by law.

ARTICLE V.—Suffrage.

1. Every white¹ male person, of twenty-one years and upwards, belonging to either of the following classes—who

¹ The word "white" became inoperative on March 30, 1870, by the adoption of the Fifteenth Amendment to the Constitution of the United States.

shall have resided in Kansas six months next preceding any election, and in the township or ward in which he offers to vote, at least thirty days next preceding such election—shall be deemed a qualified elector.

First—Citizens of the United States.

Second—Persons of foreign birth who shall have declared their intentions to become citizens, conformably to the laws of the United States on the subject of naturalization.

2. No person under guardianship, *non compos mentis*, or insane; no person convicted of felony, unless restored to civil rights; no person who has been dishonorably discharged from the service of the United States, unless reinstated; no person guilty of defrauding the Government of the United States, or any of the States thereof; no person guilty of giving or receiving a bribe, or offering to give or receive a bribe; and no person who has ever voluntarily borne arms against the Government of the United States, or in any manner voluntarily aided or abetted in the attempted overthrow of said Government, except all persons who have been honorably discharged from the military service of the United States since the first day of April, A. D. 1861, provided that they have served one year or more therein, shall be qualified to vote or hold office in this State, until such disability shall be removed by a law passed by a vote of two-thirds of all the members in both branches of the Legislature.¹

3. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas, nor while a student of any seminary of learning, nor while kept at any almshouse or other asylum at public expense, nor while confined in any public prison; and the Legislature may make

¹ This section amended (as here printed) in November, 1867.

provision for taking the votes of electors who may be absent from their townships or wards, in the volunteer military service of the United States, or the militia service of this State; but nothing herein contained shall be deemed to allow any soldier, seaman, or marine, in the regular army of the United States, the right to vote.¹

4. The Legislature shall pass such laws as may be necessary for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established.

5. Every person who shall give or accept a challenge to fight a duel, or who shall, knowingly, carry to another person such challenge, or shall go out of the State to fight a duel, shall be ineligible to any office of trust or profit.

6. Every person who shall have given or offered a bribe to procure his election, shall be disqualified from holding office during the term for which he may have been elected.

7. Electors, during their attendance at elections, and in going to and returning therefrom, shall be privileged from arrest in all cases except treason, felony, or breach of the peace.

ARTICLE VI.—Education.

1. The State Superintendent of Public Instruction shall have the general supervision of the common school funds and educational interests of the State, and perform such other duties as may be prescribed by law. A Superintendent of Public Instruction shall be elected in each county, whose term of office shall be two years, and whose duties and compensation shall be prescribed by law.

2. The Legislature shall encourage the promotion of intellectual, moral, scientific, and agricultural improvement, by establishing a uniform system of common schools, and schools of a higher grade, embracing normal, preparatory, collegiate, and university departments.

¹ This section amended (as here printed) in November, 1861.

3. The proceeds of all lands that have been, or may be, granted by the United States to the State, for the support of schools, and the five hundred thousand acres of land granted to the new States, under an act of Congress distributing the proceeds of public lands among the several States of the Union, approved September 4, A. D. 1841, and all estates of persons dying without heir or will, and such per cent. as may be granted by Congress on the sale of lands in this State, shall be the common property of the State, and shall be a perpetual school fund, which shall not be diminished, but the interest of which, together with all the rents of the lands, and such other means as the Legislature may provide, by tax or otherwise, shall be inviolably appropriated to the support of the common schools.

4. The income of the State school fund shall be disbursed annually, by order of the State Superintendent, to the several county treasurers, and thence to the treasurers of the several school districts, in equitable proportion to the number of children and youth resident therein, between the ages of five and twenty-one years: *provided*, that no school district, in which a common school has not been maintained at least three months in each year, shall be entitled to receive any portion of such funds.

5. The school lands shall not be sold, unless such sale shall be authorized by a vote of the people at a general election; but, subject to a re-valuation every five years, they may be leased for any number of years, not exceeding twenty-five, at a rate established by law.

6. All money which shall be paid by persons as an equivalent for exemption from military duty; the clear proceeds of estrays, ownership of which shall vest in the taker-up; and the proceeds of fines for any breach of the penal laws, shall be exclusively applied, in the several counties in which the money is paid or fines collected, to the support of common schools.

7. Provision shall be made by law for the establishment, at some eligible and central point, of a State University, for the promotion of literature, and the arts and sciences, including a Normal and Agricultural department. All funds arising from the sale or rents of lands granted by the United States to the State for the support of a State University, and all other grants, donations, or bequests, either by the State or by individuals, for such purpose, shall remain a perpetual fund, to be called the "University Fund," the interest of which shall be appropriated to the support of the State University.

8. No religious sect or sects shall ever control any part of the Common School or University Funds of the State.

9. The State Superintendent of Public Instruction, Secretary of State, and Attorney-General shall constitute a Board of Commissioners for the management and investment of the school funds. Any two of said Commissioners shall be a quorum.

ARTICLE VII.—Public Institutions.

1. Institutions for the benefit of the Insane, Blind, and Deaf and Dumb, and such other benevolent institutions as the public good may require, shall be fostered and supported by the State, subject to such regulations as may be prescribed by law. Trustees of such benevolent institutions as may be hereafter created shall be appointed by the Governor, by and with the advice and consent of the Senate; and upon all nominations made by the Governor, the question shall be taken in yeas and nays, and entered upon the journal.

2. A Penitentiary shall be established, the directors of which shall be appointed or elected, as prescribed by law.

3. The Governor shall fill any vacancy that may occur in the offices aforesaid, until the next session of the Legislature, and until a successor to his appointee shall be confirmed and qualified.

4. The respective counties of the State shall provide, as may be prescribed by law, for those inhabitants who, by reason of age, infirmity, or other misfortune, may have claims upon the sympathy and aid of society.

ARTICLE VIII.—Militia.

1. The militia shall be composed of all able-bodied male citizens between the ages of twenty-one and forty-five years, except such as are exempted by the laws of the United States, or of this State; but all citizens, of any religious denomination whatever, who, from scruples of conscience, may be averse to bearing arms, shall be exempted therefrom, upon such conditions as may be prescribed by law.¹

2. The Legislature shall provide for organizing, equipping and disciplining the militia in such manner as it shall deem expedient, not incompatible with the laws of the United States.

3. Officers of the militia shall be elected or appointed, and commissioned in such manner as may be provided by law.

4. The Governor shall be Commander-in-Chief, and shall have power to call out the militia to execute the laws, to suppress insurrection, and to repel invasion.

ARTICLE IX.—County and Township Organization.

1. The Legislature shall provide for organizing new counties, locating county-seats, and changing county lines; and no county seat shall be changed without the consent of a majority of the electors of the county; nor any county organized, nor the lines of any county changed so as to include an area of less than four hundred and thirty-two square miles.

2. The Legislature shall provide for such county and township officers as may be necessary.

¹ This section amended in November, 1888, by striking out the word "white" before "male" in first line.

3. All county officers shall hold their offices for the term of two years, and until their successors shall be qualified, except County Commissioners, who shall hold their offices for the term of three years; *provided*, that at the general election in the year eighteen hundred and seventy-seven the Commissioner elected from the District Number One in each county shall hold his office for the term of one year, the Commissioner elected from District Number Two in each county shall hold his office for the term of two years, and the Commissioner elected from District Number Three in each county shall hold his office for the term of three years; but no person shall hold the office of Sheriff or County Treasurer for more than two consecutive terms.

4. Township officers, except Justices of the Peace, shall hold their offices one year from the Monday next succeeding their election, and until their successors are qualified.

5. All county and township officers may be removed from office, in such manner and for such cause as shall be prescribed by law.

ARTICLE X.—Apportionment.

1. In the future apportionment of the State, each organized county shall have at least one Representative; and each county shall be divided into as many districts as it has Representatives.

2. It shall be the duty of the first Legislature to make an apportionment, based upon the census ordered by the last Legislative Assembly of the Territory; and a new apportionment shall be made in the year 1866, and every five years thereafter, based upon the census of the preceding year.

3. Until there shall be a new apportionment, the State shall be divided into election districts; and the Representatives and Senators shall be apportioned among the several districts as follows, *viz.*:

First District—Doniphan county—four Representatives, two Senators.

Second District—Atchison and Brown counties—six Representatives, two Senators.

Third District—Nemaha, Marshall, and Washington counties—two Representatives, one Senator.

Fourth District—Clay, Riley, and Pottawatomie counties—four Representatives, one Senator.

Fifth District—Dickinson, Davis, and Wabaunsee counties—three Representatives, one Senator.

Sixth District—Shawnee, Jackson, and Jefferson counties—eight Representatives, two Senators.

Seventh District—Leavenworth county—nine Representatives, three Senators.

Eighth District—Douglas, Johnson, and Wyandotte counties—thirteen Representatives, four Senators.

Ninth District—Lykins, Linn, and Bourbon counties—nine Representatives, three Senators.

Tenth District—Allen, Anderson, and Franklin counties—six Representatives, two Senators.

Eleventh District—Woodson and Madison counties—two Representatives, one Senator.

Twelfth District—Coffey, Osage, and Breckinridge counties—six Representatives, two Senators.

Thirteenth District—Morris, Chase, and Butler counties—two Representatives, one Senator,

Fourteenth District—Arrapahoe, Godfrey, Greenwood, Hunter, Wilson, Dorn, and McGee counties—one Representative.

ARTICLE XI.—Finance and Taxation.

1. The Legislature shall provide for a uniform and equal rate of assessment and taxation; but all property used exclusively for State, county, municipal, literary, educational, scientific, religious, benevolent, and charitable purposes, and

personal property to the amount of at least two hundred dollars for each family, shall be exempted from taxation.

2. The Legislature shall provide for taxing the notes and bills discounted or purchased, moneys loaned, and other property, effects, or dues of every description (without deduction), of all banks now existing, or hereafter to be created, and of all bankers; so that all property employed in banking shall always bear a burden of taxation equal to that imposed upon the property of individuals.

3. The Legislature shall provide, at each regular session, for raising sufficient revenue to defray the current expenses of the State for two years.¹

4. No tax shall be levied except in pursuance of a law, which shall distinctly state the object of the same, to which object only such tax shall be applied.

5. For the purpose of defraying extraordinary expenses, and making public improvements, the State may contract public debts; but such debts shall never, in the aggregate, exceed one million dollars, except as hereinafter provided. Every such debt shall be authorized by law for some purpose specified therein, and the vote of a majority of all the members elected to each House, to be taken by the yeas and nays, shall be necessary to the passage of such law; and every such law shall provide for levying an annual tax sufficient to pay the annual interest of such debt, and the principal thereof, when it shall become due; and shall specifically appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation shall not be repealed, nor the taxes postponed or diminished, until the interest and principal of such debt shall have been wholly paid.

6. No debt shall be contracted by the State, except as herein provided, unless the proposed law for creating such debt shall first be submitted to a direct vote of the electors

¹ This section amended (as here printed) in November, 1875.

of the State, at some general election ; and if such proposed law shall be ratified by a majority of all the votes cast at such general election, then it shall be the duty of the Legislature next after such election to enact such law and create such debt, subject to all the provisions and restrictions provided in the preceding sections of this article.

7. The State may borrow money to repel invasion, suppress insurrection, or defend the State in time of war; but the money thus raised shall be applied exclusively to the object for which the loan was authorized, or to the repayment of the debt thereby created.

8. The State shall never be a party in carrying on any works of internal improvement.

ARTICLE XII.—Corporations.

1. The Legislature shall pass no special act conferring corporate powers. Corporations may be created under general laws, but all such laws may be amended or repealed.

2. Dues from corporations shall be secured by individual liability of the stockholders to an additional amount equal to the stock owned by each stockholder, and such other means as shall be provided by law; but such individual liability shall not apply to railroad corporations, nor corporations for religious or charitable purposes.

3. The title to all property of religious corporations shall vest in trustees, whose election shall be by the members of such corporations.

4. No right of way shall be appropriated to the use of any corporation, until full compensation therefor be first made in money, or secured by a deposit of money, to the owner, irrespective of any benefit from any improvement proposed by such corporation.

5. Provision shall be made by general law for the organization of cities, towns, and villages ; and their power of

taxation, assessment, borrowing money, contracting debts, and loaning their credit, shall be so restricted as to prevent the abuse of such power.

6. The term corporations, as used in this article, shall include all the associations and joint-stock companies having powers and privileges not possessed by individuals or partnerships; and all corporations may sue and be sued in their corporate name.

ARTICLE XIII.—Banks and Currency.

1. No bank shall be established otherwise than under a general banking law.

2. All banking laws shall require as collateral security for the redemption of the circulating notes of any bank organized under their provision, a deposit with the Auditor of State of the interest-paying bonds of the several States, or of the United States, at the cash rates of the New York Stock Exchange, to an amount equal to the amount of circulating notes which such bank shall be authorized to issue, and a cash deposit in its vaults of ten per cent. of such amount of circulating notes; and the Auditor shall register and countersign no more circulating bills of any bank than the cash value of such bonds when deposited.

3. Whenever the bonds pledged as collateral security for the circulation of any bank shall depreciate in value, the Auditor of State shall require additional security, or curtail the circulation of such bank, to such extent as will continue the circulation unimpaired.

4. All circulating notes shall be redeemable in the money of the United States. Holders of such notes shall be entitled, in case of the insolvency of such banks, to preference of payment over all other creditors.

5. The State shall not be a stockholder in any banking institution.

6. All banks shall be required to keep offices and officers, for the issue and redemption of their circulation, at a convenient place within the State, to be named on the circulating notes issued by such banks.

7. No banking institution shall issue circulating notes of a less denomination than one dollar.¹

8. No banking law shall be in force until the same shall have been submitted to a vote of the electors of the State at some general election, and approved by a majority of all the votes cast at such election.

9. Any banking law may be amended or repealed.

ARTICLE XIV.—Amendments.

1. Propositions for the amendment of this Constitution may be made by either branch of the Legislature; and if two-thirds of all the members elected to each House shall concur therein, such proposed amendments, together with the yeas and nays, shall be entered on the journal; and the Secretary of State shall cause the same to be published in at least one newspaper in each county of the State where a newspaper is published, for three months preceding the next election for Representatives, at which time the same shall be submitted to the electors for their approval or rejection; and if a majority of the electors voting on said amendments, at said election, shall adopt the amendments, the same shall become a part of the Constitution. When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately; and not more than three propositions to amend shall be submitted at the same election.

2. Whenever two-thirds of the members elected to each branch of the Legislature shall think it necessary to call a

¹ This section amended (as here printed) in November, 1861.

convention to revise, amend, or change this Constitution, they shall recommend to the electors to vote at the next election of members to the Legislature, for or against a convention; and if a majority of all the electors voting at such election shall have voted for a convention, the Legislature shall, at the next session, provide for calling the same.

ARTICLE XV.—Miscellaneous.

1. All officers whose election or appointment is not otherwise provided for, shall be chosen or appointed, as may be prescribed by law.

2. The tenure of any office not herein provided for may be regulated by law; when not so declared, such office shall be held during the pleasure of the authority making the appointment; but the Legislature shall not create any office the tenure of which shall be longer than four years.

3. Lotteries and the sale of lottery tickets are forever prohibited.

4. All public printing shall be done by a State printer, who shall be elected by the Legislature in joint session, and shall hold his office for two years, and until his successor shall be elected and qualified. The joint session of the Legislature for the election of a State printer shall be on the third Tuesday of January, A. D. 1869, and every two years thereafter. All public printing shall be done at the capital, and the prices for the same shall be regulated by law.

5. An accurate and detailed statement of the receipts and expenditures of the public moneys, and the several amounts paid, to whom, and on what account, shall be published, as prescribed by law.

6. The Legislature shall provide for the protection of the rights of women, in acquiring and possessing property, real, personal, and mixed, separate and apart from the husband; and shall also provide for their equal rights in the possession of their children.

7. The Legislature may reduce the salaries of officers who shall neglect the performance of any legal duty.

8. The temporary seat of government is hereby located at the city of Topeka, county of Shawnee. The first Legislature under this Constitution shall provide by law for submitting the question of the permanent location of the capital to a popular vote, and a majority of all the votes cast at some general election shall be necessary for such location.

9. A homestead to the extent of one hundred and sixty acres of farming land, or of one acre within the limits of an incorporated town or city, occupied as a residence by the family of the owner, together with all the improvements on the same, shall be exempted from forced sale, under any process of law, and shall not be alienated without the joint consent of husband and wife, when that relation exists; but no property shall be exempt from sale for taxes, or for the payment of obligations contracted for the purchase of said premises, or for the erection of improvements thereon; *provided*, the provisions of this section shall not apply to any process of law obtained by virtue of a lien given by the consent of both husband and wife.

10. The manufacture and sale of intoxicating liquors shall be forever prohibited in this State except for medical, scientific, and mechanical purposes.¹

¹ This section was added as a new section in November, 1880.

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